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LAWS

OF THE

STATE OF WISCONSIN,

RELATING TO

COMMON SCHOOLS,

WITH

REGULATIONS FOR APPEALS, LIBRARIES, &c., INSTRUCTIONS FOR SCHOOL OFFICERS, FORMS FOR CONDUCTING ALL NECESSARY PROCEEDINGS UNDER SAID LAWS, AND A DIGEST OF THE DECISIONS MADE BY THE STATE SUPERINTENDENT WHICH ARE OF GENERAL APPLICATION.

Prepared in pursuance of an Act of the Legislature,

BY THE

SUPERINTENDENT OF PUBLIC INSTRUCTION.

MADISON:
BERIAH BROWN, PRINTER.

1854.

A sufficient number of copies of this pamphlet will be forwarded to the Clerk of the Board of Supervisors of each county in the State to enable him to retain one copy for his own use and furnish one to the Clerk of each city, to the Town Superintendent of each town, and to the Clerk of each school district in his county. Each of the officers named will receive the pamphlet in their official capacity, which they are required by law to deliver to their successors in office.

LAWS

RELATING TO COMMON SCHOOLS.

I.

CONSTITUTION—ARTICLE X.

EDUCATION.

SECTION 1. The supervision of public instruction shall be vested in a state superintendent, and such other officers as the legislature shall direct. The state superintendent shall be chosen by the qualified electors of the State, in such manner as the legislature shall provide; his powers, duties and compensation shall be provided by law: *Provided*, that his compensation shall not exceed the sum of twelve hundred dollars annually.

State superintendent of public instruction, how elected and his compensation.

SEC. 2. The proceeds of all lands that have been or hereafter may be granted by the United States to this State for educational purposes, (except the lands heretofore granted for the purposes of a university,) and all moneys, and the clear proceeds of all property, that may accrue to the State by forfeiture or escheat, and all moneys which may be paid as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys arising from any grant to the state where the purposes of such grant are not specified, and the five hundred thousand acres of land to which the State is entitled by the provisions of an act of Congress, entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the fourth day of September, one thousand eight hundred and forty-one, and also the five *per centum* of the nett proceeds of the public lands to which the state shall become entitled on her admission into the Union, (if Congress shall con-

What to constitute the school fund.

sent to such appropriation of the two grants last mentioned) shall be set apart as a separate fund, to be called the school fund, the interest of which, and all other revenues derived from the school lands, shall be exclusively applied to the following objects, to wit:

To be set apart.

1. To the support and maintenance of common schools, in each school district, and the purchase of suitable libraries and apparatus therefor.

How interest applied.

2. The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor.

District schools to be established by law, to be free and not sectarian.

SEC. 3. The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable, and such schools shall be free and without charge for tuition to all children between the ages of four and twenty years, and no sectarian instruction shall be allowed therein.

Annual tax to be raised for support of schools. Amount thereof.

SEC. 4. Each town and city shall be required to raise, by tax, annually, for the support of common schools therein, a sum not less than one half the amount received by such town or city respectively for school purposes, from the income of the school fund.

Income of school fund how and when distributed.

SEC. 5. Provision shall be made by law for the distribution of the income of the school fund among the several towns and cities of the state, for the support of common schools therein, in some just proportion to the number of children and youth resident therein, between the ages of four and twenty years, and no appropriation shall be made from the school fund to any city or town, for the year in which said city or town shall fail to raise such tax, nor to any school district for the year in which a school shall not be maintained at least three months.

State university.

SEC. 6. Provision shall be made by law for the establishment of a state university, at or near the seat of government, and for connecting with the same from time to time such colleges in different parts of the state, as the interests of education may require. The proceeds of all lands that have been or may hereafter be granted by the United States to the state for the support of a university, shall be and remain a perpetual fund, to be called the "university fund," the interest of which shall be appropriated to the support of the state university, and no sectarian instruction shall be allowed in such university.

School land commissioners.

SEC. 7. The secretary of state, treasurer and attorney general shall constitute a board of commissioners for the sale of the school and university lands, and for the investment of the funds arising therefrom. Any two of said commissioners shall be a quorum for the transaction of all business pertaining to the duties of their office.

Lands, how sold.

SEC. 8. Provision shall be made by law for the sale of all school and university lands, after they shall have been appraised, and where any portion of such lands shall be sold, and the pur-

chase money shall not be paid at the time of sale, the commissioners shall take security by mortgage upon the land sold for the sum remaining unpaid, with seven per cent. interest thereon, payable annually at the office of the treasurer. The commissioners shall be authorized to execute a good and sufficient conveyance to all purchasers of such lands, and to discharge any mortgages taken as security when the sum due thereon shall have been paid. The commissioners shall have power to withhold from sale any portion of such lands when they shall deem it expedient, and shall invest all moneys arising from the sale of such lands, as well as all other university and school funds, in such manner as the legislature shall provide, and shall give such security for the faithful performance of their duties as may be required by law.

Powers of commissioners.

II.

Chap. 9, Revised Statutes.

OF THE STATE SUPERINTENDENT.

SEC. 44. There shall be elected at the next general election, and biennially thereafter, a state superintendent, whose term of office shall commence on the first day of January next succeeding his election, and continue for the term of two years, and until his successor is elected and qualified.

State superintendent when elected and his term of office.

SEC. 45. The state superintendent shall, before he enters upon the duties of his office, take and subscribe an oath to support the constitution of the United States, and of the state of Wisconsin, and faithfully to discharge the duties of his office to the best of his ability, which oath shall be filed in the office of the secretary of state.

Oath of office.

SEC. 46. The said superintendent shall receive for his services the sum of one thousand dollars per annum, payable quarterly in advance, with his actual postage, and the necessary stationery for his office, payable quarter yearly out of the state treasury.

His salary.

SEC. 47. He shall have a general supervision over the common schools in this state, and it shall be his duty, as far as practicable, to visit every county in this state, for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communication with school officers, teachers and parents, a knowledge of existing defects, and of desirable improvements in the government and the instruction of the schools.

His duties.

SEC. 48. It shall be his duty to recommend the introduction of the most approved text books, and as far as practicable to secure a uniformity in the use of text books in the common schools throughout the state; to discourage the use of sectarian books and sectarian instruction in the schools; to advise in the selection of books for school district libraries; and to open such cor-

Ibid.

respondence abroad as may enable him to obtain, so far as practicable, information relative to the system of common schools, and its improvements in other states and countries, which he shall embody in his annual report to the legislature.

His duties.

SEC. 49. He shall prescribe rules and regulations for the management of school district libraries, and the penalties which shall be imposed by district boards for any violation of such rules and regulations; he shall prepare for the use of common school officers, suitable forms for making reports, and conducting all necessary proceedings, and he shall cause the laws relating to common schools, with the rules, regulations and forms aforesaid, and such instructions as he shall deem necessary, to be printed together, with a suitable index, in pamphlet form, by the person authorized to do the state printing, at the expense of the state; and he shall cause the same to be distributed among the several school districts and other officers having the care of common schools throughout the state.

To examine and determine appeals.

SEC. 50. He shall examine and determine all appeals duly made to him from the decision of any school district meeting, or from the decision of any town superintendent in forming or altering, or in refusing to form or alter any school district, or concerning any other matter under the common school law of this state, and his decision thereon shall be final.

To report.

SEC. 51. He shall prepare in each year, a report to be submitted to the legislature, bearing date on the last day of December in such year, containing—

What to contain.

1. An abstract of all the common school reports received by him from the several clerks of the county boards of supervisors.

2. A statement of the condition of the common schools in this state.

3. Estimates and accounts of expenditures of the school moneys.

4. Plans for the improvement and management of the common school fund, and for the better organization of the common schools. And—

5. All such matters relating to his office, and the common schools of the state, as he shall deem expedient to communicate.

To apportion school moneys.

SEC. 52. It shall be the duty of the state superintendent, on or before the tenth of February in each year, to apportion the amount of school moneys to be distributed in such year, among the several counties of the state, and the share of each county among its respective towns and cities; such apportionment shall be made among the several towns and cities, according to the number of children in each, over the age of four and under the age of twenty years, according to the returns thereof as made to his office for the preceding year.

The above section fifty-two was amended by the act approved March 3, 1852, which is now in force, as follows:

[SECTION 1. The income of the state fund for the support of common schools, which shall have been received up to the tenth day of March in each year, shall in this year and each subsequent year be distributed between the tenth and fifteenth days of March, among the towns and cities entitled to receive the same.]

When moneys to be distributed.

SEC. 53. He shall certify such apportionment to the treasurer of the state, and shall give immediate notice thereof to the clerk of each county board of supervisors, stating the amount apportioned to his county, and to each town and city therein, and the time when the same will be payable to the treasurer of such county.

To certify apportionment to treasurer and give notice of same to county clerks.

SEC. 54. The state superintendent shall have an office at Madison, where shall be deposited all papers and documents appertaining to the business of his office; and to which place communications on the subject of common schools may be addressed to him.

Where to keep his office.

SEC. 55. Copies of all papers deposited or filed in the office of the state superintendent of common schools, and all acts and decisions of such superintendent may be certified by him; and when so certified, shall be evidence equally and in like manner as the originals.

Copies of his papers certified to be evidence.

III.

Chapter 10, Revised Statutes.

OF THE BOARD OF COUNTY SUPERVISORS.

SEC. 28. In addition to the ordinary powers and duties of the several county boards of supervisors enumerated in the preceding section, the following special powers are conferred upon them, subject to such modifications and restrictions as the legislature shall from time to time prescribe, to wit:

Special powers of county board.

4. To authorize the levying and collecting of taxes for specific purposes, in any town or school district, not exceeding one thousand dollars, when such town or school district is not authorized by law to levy and collect the same, or so large an amount.

OF THE CLERK OF THE BOARD OF SUPERVISORS.

SEC. 50. Whenever the clerk of the board of supervisors of any county, shall receive from the state superintendent notice of the apportionment of school moneys to be distributed in the county, he shall file the same in his office, and transmit a certified copy thereof to the county treasurer; and such clerk shall also lay a certified copy thereof before the board of county supervisors, at their next annual meeting.

County clerk to file notice of apportionment, and send copy to county treasurer.

SEC. 51. It shall be the duty of the clerk of the board of supervisors, in each county, on the last Monday in December in each year, to transmit to the state superintendent, certified copies of all resolutions and proceedings of the board of supervisors of

To inform state superintendent of action of county board con-

cerning school matters.

which he is clerk, passed or had during the preceding year, relating to the raising of any money for school purposes, and to report the amount to be raised in each town in said county.

IV.

Chap. 12, R. S.

POWERS AND DUTIES OF TOWNS.

Powers of electors at town meetings

SEC. 2. The qualified electors of each town shall have power at any legal meeting thereof, to vote to raise such sum of money for the support of common schools, in addition to the amount required by law to be raised, as they may deem necessary. * *

OF TOWN BOARD.

Board to audit town superintendents accounts.

SEC. 70. The said board shall also, at their annual meeting in each year, examine and audit the accounts of the town treasurer, and the town superintendent of schools, for all moneys received and disbursed by them as such officers. * * * *

COMPENSATION OF TOWN OFFICERS.

Pay of town superintendent.

SEC. 93. Supervisors, assessors, clerks of the polls, and superintendents of schools, shall be entitled to a compensation for each day, actually and necessarily devoted by them to the service of the town, and in the discharge of any of the duties of their respective offices required of them by law, of one dollar a day each, and at the same rates for parts of a day.

V.

Chap. 15, R. S.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

Amount to be raised for schools by tax in towns.

SEC. 43. The board of county supervisors, at their annual meeting in each year, shall estimate and determine the amount of moneys to be raised in each town and ward in their county, for the support of common schools therein for such year, which tax shall be levied and collected in each year, and shall not be less than one half the amount of school moneys apportioned to such town and ward by the state superintendent in his last apportionment of school moneys, nor shall the amount so raised for school purposes exceed three mills on the dollar in any one year, upon the valuations of taxable property in such county; every such determination for the raising of school moneys by the said board shall be recorded by their clerk, and the sum so determined to be raised shall be assessed and collected for the use of common schools in each town and ward in such county, in addition to any

Limited.

Determination to be recorded.

sum any such town or ward may have voted to raise for the support of common schools therein.

SEC. 44. Whenever there shall have been no distribution of school moneys to any town or ward in any year, the county board of supervisors shall, at their annual meeting in that year, direct to be raised on the valuation of the taxable property in such town or ward, the same per centage or proportionable amount of taxes for the support of common schools therein, as shall be required to be raised for that purpose in the other towns in such county.

How amount of school tax ascertained when town has drawn no school moneys preceding year.

VI.

Chapter 20, R. S.

OF THE DISTRIBUTION OF THE INCOME OF THE SCHOOL FUND.

SEC. 1. The income of the state fund for the support of common schools, shall be distributed annually, [between the tenth and fifteenth days of March,] among the several counties in this state, from which reports have been received by the state superintendent, agreeably to law.

When and to what counties school fund to be distributed.

SEC. 2. The treasurer of each county shall apply for and receive of the state treasurer the school moneys apportioned to his county, as soon as the same shall become payable.

Who shall apply for school money.

SEC. 3. Each county treasurer receiving such moneys shall immediately give notice in writing to the treasurer of each city, and to the town superintendent of each town in his county, of the amount apportioned to such town or city, and shall hold the same, subject to the order of such city treasurer or town superintendent.

County treasurer to give notice of amount apportioned to each town and city.

SEC. 4. In case the treasurer of any such city, or the town superintendent of any such town, shall not apply for and receive such moneys before the next receipt of school moneys apportioned to the county, the moneys so remaining with the county treasurer shall be added to the moneys next received by him from the state superintendent, and distributed therewith, and in the same proportion, among the several towns and cities entitled thereto in such county.

Money not drawn to be added to the amount next to be apportioned.

SEC. 5. Whenever it shall not appear from the certified statement of the clerk of the board of supervisors in any county, made to the state superintendent, that the amount required by law to be raised for school purposes has been directed to be raised during the year by the board of supervisors of such county, the superintendent shall not apportion any of the state school funds to such county, and in such case the moneys so withheld shall be added to the principal of the common school fund.

When counties not entitled to apportionment

VII.

AN ACT

TO AMEND CHAPT. NINETEEN OF THE REVISED STATUTES,

AND TO COMPILE

THE SCHOOL LAWS OF WISCONSIN.

Approved April 1, 1854.

SCHOOL DISTRICTS.

(*See Notes A. and B.*)

Notice of formation and time and place of first meeting of school district.

SECTION 1. Whenever a school district shall be formed in any town, it shall be the duty of the town superintendent, within twenty days thereafter, to prepare a notice in writing of the formation of such district, describing its boundaries, and appointing a time and place for the first district meeting, and to deliver such notice to a taxable inhabitant of the district.*

Notice how served and returned.

SEC. 2. The town superintendent shall, in such notice, direct such inhabitant to notify every qualified voter of the district, either personally, or by leaving a written notice at his place of residence, of the time and place of such meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the voters of such district, agreeably to the requirements of said notice, and indorse thereon a return containing the names of the persons by him notified; and said notice and return shall be recorded as a part of the record of the first meeting in such district.†

Notice to be given in case of neglect to attend first meeting.

SEC. 3. In case such notice shall not be given, or the inhabitants of a district shall refuse or neglect to assemble or form a district meeting, when so notified, or in case any school district having been formed and organized, shall afterwards be dissolved, so that no competent authority shall exist therein to call a special district meeting in the manner hereinafter provided, notice shall be given by the town superintendent, and served in the manner prescribed in the preceding section.‡

* See Forms Nos. 1, 2 and 3. † Nos. 4 and 5. ‡ No. 6.

Sec. 4. Whenever a district meeting shall be called in the manner prescribed in the preceding sections of this chapter, it shall be the duty of the electors of the district to assemble at the time and place mentioned in such notice. Duty of electors.

Sec. 5. Every person shall be entitled to vote in any school district meeting of this state, who is qualified to vote at a general election for state and county officers, and who shall have resided for the last ten days in the district where he or they may offer to vote. Who entitled to vote.

Sec. 6. If any person offering to vote at a school district meeting, shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged, the qualifications of a voter, and if such person shall declare that he is a voter, and if such challenge shall not be withdrawn, the chairman shall tender him the following oath or affirmation: "You do solemnly swear (or affirm as the case may be) that you have been an actual resident of this school district for the last ten days, and that you are qualified according to law to vote at this meeting." And any person taking such oath or affirmation, shall be permitted to vote on all questions proposed at such meeting, but if any person shall refuse to take such oath or affirmation, his vote shall be rejected. Challenge and proceedings thereon.

Sec. 7. Every school district shall be deemed duly organized when any two of the officers elected at the first legal meeting thereof, shall have consented to serve for the offices to which they have been respectively elected, by a written acceptance thereof filed with and recorded by the clerk; and every school district shall be considered as legally organized after it shall have exercised the franchises and privileges of a district for the term of two years.* When district deemed organized.

Sec. 8. Every school district organized in pursuance of this chapter, or which has been organized under any previous law of the state or territory of Wisconsin, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "School district number (such number as shall be designated by the town superintendent in the formation thereof) of ——" (the name of the town or towns in which the district is situate) and in that name shall sue and be sued, and be capable of contracting and being contracted with, Districts to be bodies corporate, and their powers.

* See Form No. 7.

and of holding such real and personal estate as is authorized to be purchased by the provisions of this chapter, and of selling the same.

DISTRICT MEETINGS.

Annual meeting, when held

SEC. 9. The annual meeting of each school district shall be held on the last Monday of September in each year; the hour of such meeting shall be six o'clock in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last previous annual meeting.

When annual meeting not illegal for want of notice.

SEC. 10. No annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was willful and fraudulent.*

Powers of annual district meeting.

SEC. 11. The inhabitants qualified by law to vote at a school district meeting, when assembled at the first and each annual meeting in their district, shall have power—

1st. To appoint a chairman for the time being.

2nd. To adjourn from time to time as occasion may require.

3rd. To choose a director, treasurer and clerk.

4th. To designate a site for a district school house.

5th. To vote such tax on the taxable property of the district, as the meeting shall deem sufficient to purchase or lease a suitable site for a school house, and to build, hire, or purchase such school house, and to keep in repair and furnish the same with the necessary fuel and appendages.

6th. To vote a tax on the taxable property of the district of such sum as the meeting shall deem proper for the pay of teachers' wages in the district.

7th. To authorize and direct the sale of any shool house, site, or other property belonging to the district, when the same shall no longer be needful for the use of the district.

8th. To impose such tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred.

9th. To vote a tax not exceeding twenty dollars in any one year for the purchase of globes, black boards, outline maps, or any apparatus for illustrating the principles of agriculture, chemistry, or the mechanic arts.

10th. To give such direction and make such provision as may be deemed necessary in relation to the prosecution or defence of any suit or proceeding in which the district may be a party or interested.

11th. To alter, repeal and modify their proceedings as occasion may require.

* See Form No. 8.

Sec. 12. Special district meetings may be called by the clerk, or in his absence by the director or treasurer, on the written request of any five legal voters of the district, and the inhabitants qualified by law to vote when lawfully assembled at a special meeting, shall have power to transact the same business, as at the first and each annual meeting, except to choose district officers and to vote a tax.*

Special meetings, how called, and what business may transact.

Sec. 13. Whenever the time for holding an annual meeting in any district for the election of district officers shall pass without such election being held, the clerk, or in case of his absence, either the director or treasurer last elected, within twenty days after the time of holding such meeting shall have passed, may notify a special meeting for such election in the manner prescribed in the twelfth and twenty-ninth sections of this chapter; but if such meeting shall not be notified within twenty days as aforesaid, the town superintendent may order any taxable inhabitant of such district to notify such meeting in the manner provided in this chapter for the formation of a new district; and the officers chosen at such special meeting shall hold their offices until the time for holding the next annual meeting.†

If election not held at annual meeting, how special meeting called for that purpose.

Sec. 14. No tax to be voted by a district meeting for building, hiring, or purchasing a school house, shall exceed the sum of three hundred dollars, unless the town superintendent of the town in which the school house is to be situated, shall certify in writing his opinion that a larger sum ought to be raised, and shall specify the sum, in which case a sum not exceeding the sum so specified may be raised; and in districts composed of parts of several towns, the certificate of a major part of the superintendents of said towns shall be necessary for such purpose.‡

Tax to build school-house not to exceed $300, except in certain cases.

Sec. 15. The qualified voters, at each annual meeting, may determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than three months, and whether such school shall be taught by a male or female teacher, or both, and whether the school moneys, to which the district is entitled from the common school fund and from the town, shall be applied to the support of the summer or winter term of the school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the district board shall have power and it shall be their duty to determine the same.

What voters may determine at annual meeting. If they neglect, the board to determine the same.

* See Form No. 9. † Nos. 6 and 9. ‡ No. 11.

DISTRICT OFFICERS AND THEIR DUTIES.

(See Note C.)

District officers, how long to serve.

Sec. 16. The officers of each school district shall be a director, treasurer and clerk, who shall hold their respective offices until the annual meeting next following their election or appointment, and until their successors shall have been chosen, but not beyond ten days after the time for holding the second annual meeting after their election or appointment, without being again elected or appointed. Any person present at a school district meeting at which he shall be elected one of the district board, shall be deemed to be notified thereof, and any person so elected, and not present, shall be notified thereof by the clerk of such meeting within five days thereafter; and unless each person so elected and notified shall, within ten days after his election, file with the clerk his refusal in writing to accept the office, he shall be deemed to have accepted the same; and any person appointed to fill a vacancy shall file with the clerk his acceptance in writing before entering upon the duties of the office to which he has been appointed.*

How notified of their election, and when deemed to have accepted.

DIRECTOR.

Duties of director.

Sec. 17. It shall be the duty of the director of each district to sign, together with the clerk, all orders drawn by the clerk upon the treasurer of the district for moneys received by him to be disbursed therein.†

Ibid.

Sec. 18. The director shall appear for and on behalf of the district, in all suits brought by or against the district, when no other direction shall be given by the qualified voters of such district at a district meeting.

TREASURER.

Duties of treasurer.

Sec. 19. It shall be the duty of the treasurer of each district to apply for and receive from the town superintendent, all school moneys apportioned to his district, and pay over on the order of the clerk and director of such district all moneys so received by him.‡

His annual report.

Sec. 20. The treasurer shall present to the district at each annual meeting a report in writing, containing a statement of all moneys received by him during the preceding year, and of the disbursements made by him, with the items of such disbursements, and exhibit the vouchers therefor; also a statement of all taxes assessed upon the taxable property.

* See Forms No. 7, 12, 13 and 24. † Form No. 14. ‡ See Note C.

of the district during the year, the purposes for which such taxes were assessed, and the amount assessed for each particular purpose, which report shall be recorded by the clerk; and if it shall appear that any balance of moneys is in the hands of such treasurer at the time of making such report, he shall immediately pay over such balance to his successor in office.*

To pay over balance of moneys.

Sec. 21. The treasurer shall within ten days after his election execute to the district a bond in double the amount of money, as near as can be ascertained, to come into his hands, as treasurer during the year, with sufficient sureties, to be approved by the director and clerk, conditioned for the faithful discharge of the duties of his office; and if he shall fail so to do, his office shall be vacant.†

To give bond, otherwise office vacant.

Sec. 22. Such bond shall be filed with the clerk, and in case of any breach of the condition thereof, the director shall cause a suit to be commenced thereon in the name of the district, and the money, when collected, shall be applied by such director to the use of the district, as the same should have been applied by the treasurer.

Where filed and how prosecuted.

Sec. 23. If the treasurer shall fail to give a bond as is required in this chapter, or shall decline to accept his office, the said board shall appoint a treasurer, who shall possess all the powers of the district treasurer, and shall, before entering upon the duties of his office, give a bond to the district in double the amount of moneys to come into his hands, as near as can be ascertained, in the same manner and with the same effect as the district treasurer is required to give.

When board may appoint treasurer.

Sec. 24. If such treasurer shall refuse or neglect to pay over any balance remaining in his hands, it shall be the duty of his successor in office to prosecute without delay his official bond for the recovery of such balance.

When treasurer to prosecute bond of his predecessor.

CLERK.

Sec. 25. It shall be the duty of the clerk of each district to record the proceedings of his district in a book to be provided by the district for that purpose; to enter therein copies of all reports made by him to the town superintendent, and to keep and preserve all records, books, and papers belonging to his office, and deliver the same to his successor in office.‡

Duties of clerk

To keep records.

Sec. 26. He shall be clerk of the district board and of all district meetings when present, but if he shall not be

If absent from district meet-

* See Form No. 15. † No. 16. ‡ See Note B.

ing electors to appoint a clerk

present at any district meeting the qualified voters present may appoint a clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district.

To hire teachers.

Sec. 27. The clerk shall contract with and hire qualified teachers for and in the name of the district; which contract shall be in writing, and shall have the consent of either the director or treasurer, or both indorsed thereon, and shall specify the wages per week or month as agreed upon by the parties, and such contract so completed shall be filed in his office.*

Contract to be in writing.

Board to provide necessary appendages for school house.

Sec. 28. The district board shall provide the necessary appendages for the school house, and keep the same in good condition and repair during the time a school shall be taught therein; and they shall keep an accurate account of all expenses incurred by them, and present such account for allowance to the qualified voters at a regular district meeting; and the amount of such account as allowed by such meeting may be assessed and collected in the same manner as other district taxes, but no such account shall be allowed at a special district meeting unless the intention to present the same shall be specified in the notice for such meeting.

Clerk to give six days notice of each annual and special meeting.

Sec. 29. It shall be the duty of the clerk to give at least six days previous notice of every annual and special district meeting, by posting up notices therefor in four or more public places in the district, one of which notices shall be affixed to the outer door of the school house, if there be one in the district; and he shall give the like notices for every adjourned district meeting, when such meeting shall have been adjourned for a longer period than one month; every notice for a special district meeting shall specify the objects for which such meeting is called, and no business shall be acted upon at any special meeting which was not specified in such notice.†

What notice of special meeting to specify.

Clerk to report to town superintendent.

Sec. 30. It shall be the duty of the clerk, between the first and fifteenth days of September, in each year, to make and transmit a report, in writing, signed by him to the town superintendent, dated on the first day of September, in the year in which it shall be transmitted, showing:‡

Report, what to show.

1st. The number of children, male and female, designated separately, residing in the district on the last day of August previous to the date of such report, over the age of four, and under the age of twenty years;

* See Form No. 17. † Nos. 8, 9, 10. ‡ No. 18.

2nd. The number attending school during the year under the age of four, and the number over the age of twenty years;

3rd. The whole number that have attended school during the year;

4th. The length of time a school has been taught during the year by a qualified teacher, the name of each teacher, the length of time taught by each, and the wages paid to each;

5th. The average length of time scholars over the age of four and under the age of twenty years, have attended school during the year;

6th. The amount of moneys received from the town superintendent within the year, and the manner in which the same has been applied;

7th. The amount raised by the district in such year, and the purposes for which it was raised;

8th. The kind of books used in the school;

9th. Such other facts and statistics in regard to the school and the subject of education as the state superintendent may direct.

Clerk to draw orders on treasurer.

Sec. 31. It shall be the duty of the clerk to draw orders on the treasurer of the district for money in the hands of such treasurer, which have been apportioned to, or raised by the district, to be applied to the payment of teachers' wages, and apply said moneys to the payment of such teachers as shall have been employed by him in the name of the district, and also to draw orders on said treasurer for moneys in his hands, to be disbursed for any other purpose, for which the same shall have been voted by the district, agreeably to the provisions of this chapter: *Provided*, said orders shall be signed by the director.*

Money, how disbursed.

Clerk to furnish register, what to contain, and where to be deposited.

Sec. 32. The clerk of each school district shall furnish at the expense of the district, a school register in the form prescribed by the state superintendent, in which every teacher in the district shall be required to enter the names, ages, and studies of all the scholars attending school and daily, their attendance and absence; which register shall be deposited with the clerk at the end of each term; and any teacher who shall willfully neglect or refuse to comply with the requirements of this section, shall forfeit his or her wages for teaching in such district.†

* See Form No. 14. † No. 19.

OF THE ASSESSMENT AND COLLECTION OF SCHOOL DISTRICT TAXES.
(*See Note D.*)

District clerk to furnish town clerk with a verified statement of all taxes voted.

Sec. 33. The clerk of each school district shall, on or before the fourth Monday of November in each year, deliver to the town clerk in which the district is situated, a statement in writing, verified by his affidavit, showing the amount of the tax or taxes voted to be raised at the last preceding annual meeting, or at the first meeting after the organization of the district, or both, as the case may require, together with a list of all persons and corporations liable to a school district tax therein. In case of a joint district he shall deliver to the town clerk of each town in which any part of the district is situated, a statement so verified, showing the proportion of the tax to be assessed in that part of the district within such town, together with a list of all persons and corporations, liable to a school district tax in that part of the district. Such proportion shall be ascertained from the valuations contained in the last assessment rolls of the respective towns; and to enable the district clerk to ascertain the same, the town clerk of each such town, shall, on demand, at any time after he has received the equalized assessment roll of his town, deliver to the clerk of any such joint district, a certified statement of the valuation of real and personal property in that part of such district lying within his town, as the same appears from said assessment roll.*

To furnish list of persons and corporations liable to tax.

How to proceed in case of joint district.

Town clerk to furnish certified statement of value of property.

Tax, how assessed and collected.

Sec. 34. The town clerk shall assess such tax, or the due proportion thereof, upon the real and personal property liable thereto, placing the same in a separate column in the next assessment roll of his town, delivered to the town treasurer for collection, whenever such certificate of the district clerk shall be received by him in time therefor, although after the fourth Monday of November. And if for any reason such tax shall not be assessed in the next assessment roll after the tax is voted, it shall be assessed in that of the next succeeding year. The tax shall, in all respects, be collected or returned delinquent like other taxes, and when collected the money shall be paid over to the district treasurer. And whenever any part and not the whole, of the taxes for all purposes assessed in the assessment roll to any person or corporation, or upon any real estate, shall be collected by the town treasurer, he shall pay over the due proportion of the amount collected by him to the district treasurer.

To whom paid.

When part to be paid.

* See Forms Nos. 20 and 21.

DISTRICT BOARD.

(See Note E.)

Sec. 35. The director, treasurer and clerk, shall constitute the district board. Who to constitute district board.

Sec. 36. They shall purchase or lease such a site for a school house as shall have been designated by the district, in the corporate name thereof, and shall build, hire, or purchase such school house out of the funds provided for that purpose, and make sale of any school house, site or other property belonging to the district, and if necessary execute a conveyance of the same in their name of office, when lawfully directed by the qualified voters of such district at any annual or special meeting.* Their powers and duties.

Sec. 37. The said board shall have the care and keeping of the school house and other property belonging to the district, except so far as the same shall be especially confided to the care of the clerk, including all books purchased by the district for the use of any children. To have care of school house.

Sec. 38. The said board shall have power to fill by appointment, any vacancy that shall occur in their own number, within ten days after such vacancy shall occur; and if such vacancy shall not be filled within ten days as aforesaid by said board, it shall be the duty of the town superintendent to fill such vacancy by appointment.† When to fill vacancy in their own number, and when superintendent shall.

Sec. 39. The district board may purchase, at the expense of the district, when families or guardians may not be able to furnish the same, such school books as in their judgment may be necessary for the use of any children attending school in their district, and they may include the amount of such purchase in any tax to be collected in such district. When board may purchase school books for children.

What shall be Taught in Schools.

Sec. 40. The board in each school district shall have power, under the advice of the superintendent of public instruction, to determine what school and text books shall be used in the several branches taught in the school of such district. Board to determine what books to be used.

Sec. 41. In every district school there shall be taught, in the English language, orthography, reading, writing, English grammar, geography and arithmetic, during the time such school shall be kept, and such other branches of education as may be determined upon by the board. What to be taught in district schools.

* See Forms Nos. 22 and 23. † See No. 24.

TOWN SUPERINTENDENT AND HIS POWERS AND DUTIES.

(See Note F.)

Town superintendent to give bond.

Sec. 42. It shall be the duty of the town superintendent of common schools, within ten days after he shall have been notified of his election or appointment, to execute to the chairman of supervisors of his town, and file with the town clerk, a bond with one or more sufficient sureties, to be approved by the said chairman of supervisors, by indorsement over his signature on said bond, with a penalty, as near as can be ascertained, of double the amount of all the school moneys to come into his hands during the term of his office, and conditioned for the faithful application and legal disbursement of all such school moneys according to law, and for the faithful discharge of all the duties of his office; and in case such bond shall not be executed, approved and filed within the time prescribed in this section, the office of such town superintendent shall be deemed vacant.*

Penalty of bond.

Condition of, and how approved and filed.

Duties of town superintendent.

Sec. 43. It shall be the duty of the town superintendent in each town—

1st. To divide the town into a convenient number of school districts, and to regulate and alter such districts as hereinafter provided.

2nd. To describe and number the school districts, and to deliver the description thereof and numbers in writing, to the town and district clerk, immediately after the formation or alteration thereof.

3rd. To apply for and receive from the county treasurer, all moneys apportioned for the use of common schools in his town, and from the treasurer of the town, all the moneys raised therein for the same purpose.

4th. To apportion the school moneys received from the town and county treasurers, on the third Monday in March in each year, or as soon thereafter as he shall receive the same, to the several districts and parts of districts within the town, in proportion to the number of children residing in each, over the age of four and under the age of twenty years, as the same shall have appeared from the last annual reports of their respective clerks.

5th. To see that the annual reports of the clerks of the several school districts in his town, are made correctly and in due time.

6th. To sue for and collect in his name of office, all penalties and forfeitures imposed in this chapter, which shall

* See Form No. 32.

be incurred by any officer or inhabitant of his town, and in respect to which no other provision is made.

Sec. 44. It shall be the duty of the town superintendent, between the first and fifteenth days of October in each year, to make and transmit to the clerk of the board of supervisors of the county, a report in writing, bearing date on the first day of October in the year of its transmission stating—* To make report.

1st. The whole number of school districts separately set off within the town; What report to contain.

2nd. The districts and parts of districts from which reports shall have been made to him or his immediate predecessor in office, within the time limited for that purpose;

3rd. The length of time a school shall have been taught in each of such districts or parts of districts, distinguishing what portion of that time the school has been taught by qualified teachers;

4th. The amount of public moneys received in each of such districts and parts of districts;

5th. The number of children taught in each, and the number of children over the age of four and under the age of twenty years, residing in each;

6th. The whole amount of moneys received by him or his predecessor in office, since the date of the last preceding report, distinguishing the amount received from the county treasurer, from the amount received from the town treasurer, and from other sources, if any;

7th. The manner in which such moneys have been expended, and whether any and what part remains unexpended, and for what cause;

8th. The amount of money raised in the districts and paid for teachers' wages, in addition to the public money paid therefor; the amount of taxes raised for purchasing school house sites, for building, hiring, purchasing, repairing and insuring school houses; for fuel, for district libraries, or for any other purpose allowed by law, in the districts or parts of districts from which reports have been received by him, or his predecessor, since the date of the last preceding report, with such other information as the state superintendent may from time to time require.

Sec. 45. No moneys shall be apportioned to any district or part of a district, unless it shall appear, by the report thereof, that a school has been taught therein, for at least three months during the year ending at the date of such report, by a qualified teacher, and that all school moneys Money not to be apportioned unless school taught three months, and school fund

* See Form No. 25.

money legally expended.

received during that year from the school fund have been applied to the payment of the wages of such teacher; and no portion of the library money shall be apportioned to any district or part of a district, unless it shall appear from the last annual report thereof, that the library money received at the last preceding apportionment was duly expended according to law, before the first day of September subsequent to such apportionment, and that such district has complied with the regulations established by the state superintendent in relation to district libraries.

Library money when not to be apportioned.

Superintendent to keep account of money received and expended.

Sec. 46. The town superintendent, in each town, shall keep a just and true account of all school moneys received and expended by him during each year for which he shall have been chosen, and shall lay the same before the board of auditors of town accounts, at the annual meeting of such board in each year.

To render account to successor.

Sec. 47. The town superintendent of schools in each town shall, within ten days after the termination of his office, render to his successor in office a just and true account, in writing, of all school moneys received by him during the preceding year, and of the manner in which the same shall have been appropriated and expended by him; and the account so rendered shall be delivered by such successor in office to the town clerk, to be filed and recorded in his office.

To pay money to successor.

Sec. 48. On rendering such account, if any balance shall be found remaining in the hands of such town superintendent, the same shall be immediately paid by him to his successor in office.

Successor to bring suit.

Sec. 49. Such successor in office shall bring a suit upon the official bond of any previous town superintendent, for the recovery, with interest, of any unpaid balance of school moneys that shall appear to have been in his hands on leaving his office, either by the accounts rendered by such town superintendent, or by other sufficient proof.

Superintendent to have powers of a corporation.

Sec. 50. The town superintendent in each town shall have the powers and privileges of a corporation, so far as to enable him to take and hold any property transferred to him for the use of common schools in such town.

Pay of superintendent.

Sec. 51. The town superintendent shall be entitled to receive one dollar per day for every day actually and necessarily devoted by him, in his official capacity, to the service of the town for which he may be chosen, the same to be paid in like manner as other town officers are paid.

Apportionment by su-

Sec. 52. If, after the time when the annual reports of the school districts are required to be dated, and before the

apportionment of school moneys shall be made, a district shall be duly altered, or a new district shall be formed in the town, so as to render an apportionment, founded on such annual reports, unjust as between two or more districts of the town, the town superintendent shall make an apportionment to such districts according to the number of children in each over the age of four, and under the age of twenty years, ascertaining that number by the best evidence in his power.

Superintendent in case of division of district.

Sec. 53. All moneys apportioned by the town superintendent, to any district or part of a district, which shall have remained in the hands of said town superintendent for one year after such apportionment, by reason of such district or part of district neglecting or refusing to receive the same, shall be added to the moneys next thereafter to be apportioned by such town superintendent, to the several districts and parts of districts in such town, and apportioned therewith.

When moneys to be added to next apportionment.

INSPECTION AND SUPERVISION BY TOWN SUPERINTENDENT.

(*See Note G.*)

Sec. 54. It shall be the duty of the town superintendent to examine annually all persons offering themselves as candidates for teachers of common schools in his town, in regard to moral character, learning, and ability to teach school; and he shall deliver to each person examined and found qualified, a certificate signed by him in such form as shall be prescribed by the state superintendent; which certificate shall be in force for one year from the date thereof, unless annulled within that time, and no person shall be deemed a qualified teacher within the meaning of this chapter who has not such a certificate in force. A certificate granted by any town superintendent, as provided in this section, shall not be deemed a legal qualification of a teacher within the meaning of this chapter in joint school districts, except in cases where the school house is situated in the town for which the superintendent granting the certificate was chosen.*

Teachers, how and by whom examined.

Certificate, form of.

By whom granted in case of joint district.

Sec. 55. The town superintendent may annul any such certificate, given by him or his predecessor in office, when he shall think proper, giving at least ten days previous notice in writing to the teacher holding it, and to the district board of the district in which he may be employed, of his intention to annul the same.

May annul certificate.

* See Form No. 26.

Note to be made and filed.

Sec. 56. The annulling of a certificate shall not disqualify the teacher to whom it was given, until a note containing the name of the teacher, and the time when the certificate was annulled, shall be made by the town superintendent, and filed in the office of the town clerk.*

Re-examination, when may be.

Sec. 57. The town superintendent, whenever he shall deem it necessary, may require a re-examination of all or any of the teachers in his town, for the purpose of ascertaining their qualifications to continue as such teachers.

To visit schools

Sec. 58. It shall be the duty of the town superintendent to visit all such common schools.

Duties as visitor.

Sec. 59. At such visitation, the town superintendent shall examine into the state and condition of such schools, both as respects the progress of the scholars in learning, and the good order of the schools, and may give his advice and direction to the district board, and to the teachers of such schools, as to the government thereof, and the course of studies to be pursued therein.

OF THE FORMATION AND ALTERATION OF SCHOOL DISTRICTS.

(*See Note H.*)

Notice of intention to alter district to be given.

Sec. 60. Whenever the town superintendent shall contemplate an alteration of the boundaries of a school district, he shall give at least five days notice in writing to the clerk of the district or districts to be affected thereby, stating in such notice the time and place when and where he will be present to hear and decide upon such proposed alteration; and it shall be the duty of such clerk or clerks immediately to notify the other members of the board. In hearing and deciding upon the alteration of a school district, the district board of the district or districts to be affected by such alteration may apply to the chairman of the town board of supervisors and town clerk, to be associated with the town superintendent, and a majority of the board so constituted shall be necessary to make any change in the boundaries of a school district, and their action shall be final unless duly appealed from.†

Who may constitute board to divide.

Action final unless appealed from.

Town superintendent to give notice of alteration.

Sec. 61. In all cases where an alteration of the boundaries of a school district shall be made, the town superintendent shall, within three days thereafter, give notice thereof, by filing a copy of the order so altering the same with the clerk of the district or districts affected by such alteration; and no alteration of any school district, made without the consent of a majority of the district board

* See Form No. 27 and Note G. † No. 28.

indorsed on such order, shall take effect until three months after notice given as above specified, nor shall any alteration of an organized school district be made to take effect between the first day of December in any one year, and the first day of April following.*

Alteration of district when to take effect.

Sec. 62. When a new district is formed, in whole or in part, from one or more districts possessed of a school house, or entitled to other property, the town superintendent, at the time of forming such new district, shall ascertain and determine the proportion of the value of the school house and other property justly due to such new district.†

When new district formed property to be divided.

Sec. 63. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence in the power of the town superintendent; and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion.

How division made.

Sec. 64. Such proportion, when ascertained, shall be raised and collected by tax upon the taxable property of the district, retaining the school house or other property of the former district, in the same manner as other district taxes are collected, and when collected, shall be paid to the treasurer of the new district, to be applied towards procuring a school house for such district; and the money so paid to the new district shall be allowed to the credit of the taxable property taken from the former district, in reduction of any tax that may be imposed on said taxable property, in the new district, for the building of a school house.

Proportion to be raised, how collected and applied.

Sec. 65. Whenever it shall be necessary to form a district from two or more adjoining towns, the superintendents of such adjoining towns shall meet together and form such district, and deliver the notice of such formation to a taxable inhabitant of such district, whose duty it shall be to serve such notice, as provided in the second section of this chapter, and the clerk of the district so formed shall make such report to the superintendent of each such adjoining town, of such part of said district as may be situate in such town, as is prescribed in the thirtieth section of this chapter; and any district so formed may be altered or regulated by the superintendents of such adjoining towns as may be deemed necessary.‡

Proceedings when district formed of parts of two or more adjoining towns.

* See Forms Nos. 29 and 31. † No. 30. ‡ Nos. 2 and 3.

WHEN APPEAL MAY BE TAKEN.

In what cases appeal may be taken.

Sec. 66. Any person conceiving himself aggrieved in consequence of any decision made by any school district meeting, or by the town superintendent, in forming or altering, or refusing to form or alter any school district, or concerning any other matter under the provisions of this chapter, may appeal to the state superintendent, who is hereby authorized and required to examine and decide the same, and such decision shall be final and conclusive: *Provided, however*, that the decision appealed from shall be operative until the state superintendent shall reverse or change the same.

VALUATION AND EQUALIZATION OF PROPERTY.

(*See Note I.*)

Taxes, on what property assessed.

Sec. 67. All taxes raised and collected in any school district for any of the purposes authorized by the provisions of this chapter, except when otherwise provided, shall be assessed on the same kind of property as taxes for town and county purposes are assessed.

How assessment made in certain cases.

Sec. 68. Whenever any real estate in any school district shall not have been separately valued in the assessment roll of the town, and the valuation of such real estate cannot be definitely ascertained from such assessment roll, the town clerk shall estimate the value of the same, in proportion to the valuation affixed in said assessment roll to the whole tract of which such lot or piece of land forms a part.

Equalization of assessment of property in joint districts.

Sec. 69. Whenever a school district embraces a part of more than one town, the town superintendents of the towns so in part embraced, upon application of any three persons liable to pay taxes in such district, shall proceed to inquire and determine whether the valuations of taxable property in the assessment rolls of such towns are just as compared with each other in respect to such district, and if considered not to be so, they shall determine the relative proportion of taxes to be assessed upon the real estate of the parts of such district so lying in different towns, and shall certify the same to the town clerk of each town, and if received by him previous to making out the assessment roll for that year, he shall assess the school district tax according to such equalized valuation. In cases where two superintendents cannot agree as to such valuation, they shall summon a superintendent from an adjoining town, who shall unite in such inquiry and determination.

Duty of Town Clerk.

Sec. 70. It shall be the duty of the town clerk to receive and keep all reports made to the town superintendent, from clerks of school districts, and all books, maps, and papers belonging to the town superintendent when required, and file them in his office; and he shall record, in a book kept for that purpose, such description of school districts, and organization or alteration thereof as shall be transmitted to his office by the town superintendent.

Town clerk to keep reports, records, &c.

DUTIES OF THE CLERK OF THE COUNTY BOARD OF SUPERVISORS.

(*See Note J*)

Sec. 71. It shall be the duty of the clerk of the county board of supervisors in each county to receive all documents transmitted to him by the town superintendents of the several towns in his county, and all communications directed to him by the state superintendent, and keep the same in his office, or dispose of the same as directed by said state superintendent.

To preserve documents, &c. received from town and state superintendent.

Sec. 72. The said clerk shall, on or before the tenth day of November in each year, make and transmit to the state superintendent a report in writing, setting forth the whole number of towns in his county, distinguishing those from which the required reports have been made to him by the town superintendents, and containing an abstract of their reports.*

Clerk to make report annually to state superintendent.

Sec. 73. He shall also within the time mentioned in the preceding section, make and deliver to the county treasurer a written statement of the whole number of children in each town in the county over the age of four, and under the age of twenty years, as shown by the town superintendents' reports, and the board of supervisors of each county shall allow to the clerk thereof such compensation as they may deem reasonable, for the services required of him by the provisions of this chapter.

Written statement to county treasurer annually.

LIBRARIES AND LIBRARY FUND.

Sec. 74. Each town superintendent may, in his discretion, set apart a sum not exceeding ten per cent. of the gross amount of the school money apportioned to any school district which shall be applied by such districts to the purchase of school district libraries, which shall be the property of such districts; and any resident of a school dis-

Ten per cent. of all school moneys apportioned to districts may be set apart for libraries.

* See Form No. 33.

trict, and the parents and guardians of all the children therein, between the ages of four and twenty years, shall be permitted to use books from the school district library of said district without charge, being responsible to the district for the safe return thereof, and for any injury done thereto, according to such rules and regulations as may be established by the state superintendent: *Provided, however*, That for the city of Milwaukee ten per cent. only on the amount of money received from the state shall be apportioned for library purposes as prescribed herein: *Provided*, That when the district board or school commissioners, shall so determine, a portion of the library money, not exceeding one half the amount so appropriated, may be applied to the teaching of music in such schools.

Who may use books of the library.

One-half of library money may be applied to the teaching of music.

District may vote tax for library.

Sec. 75. The taxable inhabitants of each school district shall have power, when lawfully assembled at any annual district meeting, to vote a tax on the district not exceeding thirty dollars in any one year, for a district library, consisting of such books as they may direct their district board, or any other person, at such district meeting, to purchase; and such further sum as they may deem necessary for the purchase of a book case.

Librarian, how appointed.

Sec. 76. The clerk of the district, or such other person as the taxable inhabitants may at any legal meeting appoint by a majority of votes, shall be the librarian of the district, and shall have the care and custody of the district library.

Fines and penalties, how sued for and collected.

Sec. 77. Every school district library, and the appurtenances thereunto belonging, shall be deemed to be vested in the district board of the district, so as to enable them to maintain any action for the same, or for the value thereof, or for the recovery of any fine or penalty for damage done to any book or books, or neglect to return, or loss of the same; and all such fines and penalties incurred in consequence of a violation of any regulation lawfully established in respect to district libraries, shall be sued for and collected in the name of such district board, and when so collected shall be applied for the benefit of such district library.

Adjoining districts may unite libraries, &c.

Sec. 78. The legal voters in any two or more adjoining districts may, in such cases as may be approved by the town superintendent, unite their libraries, and also their library moneys, as they shall be collected or received, and purchase a joint library for such districts, which shall be selected by the district boards thereof, or by such persons as they shall designate, and shall be under the charge of a

librarian to be appointed by the district boards of such districts, and the provisions of this chapter shall be applicable to such joint libraries, except that the property in them, and their appurtenances, shall be deemed vested in all the district boards, for the time being, of the districts so united; and in case any such district shall desire to divide such library, such division shall be made by the directors of the districts whose libraries are so united, and in case they can not agree, then such division shall be made by the town superintendent.

Librarian to be appointed.

How library to be divided.

OF SUITS AND JUDGMENTS AGAINST SCHOOL DISTRICTS.

Sec. 79. Justices of the peace shall have jurisdiction in all cases, in which a school district is a party interested, when the amount claimed by the plaintiff shall not exceed one hundred dollars, and the party shall have the same right of appeal as in other cases; and when a suit shall be brought against any school district, it shall be commenced by summons, a copy of which shall be left with the director of such district.

Who shall have jurisdiction when school district is interested.

Sec. 80. No execution shall issue on any judgment against a school district, nor shall any suit be brought thereon; but the same shall be collected in the manner prescribed in this chapter.

Execution not to issue.

Sec. 81. Whenever any final judgment shall be obtained against any school district, if the same shall not be removed to any other court, the director of such district shall certify to the town clerk of the town, the date and amount of such judgment, with the name of the party in whose favor the same was rendered; and if such judgment shall be removed to another court, the director shall certify the same as aforesaid, immediately after the final determination thereof against the district.

How such judgment to be certified.

Sec. 82. If the director shall fail to certify such judgment, as required in the preceding section, it shall be lawful for the party obtaining the same, his agent or legal representatives, to file with the town clerk of the town, the certificate of the justice or clerk of the court rendering the judgment, showing the facts which should have been certified by such director.

Ibid.

Sec. 83. If the district against which any such judgment shall be rendered, is situate in parts of two or more towns, a certificate thereof shall be delivered as aforesaid to the town clerk of each town in which such district is in part situated.

How certified in joint districts.

Judgment to be assessed by town clerk on taxable property of district.

Sec. 84. The town clerk receiving either of the certificates of a judgment as aforesaid, shall proceed to assess the amount thereof, with interest from the date of such judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of said district, placing the same on the next town assessment roll in a separate column, and the same proceedings shall be had thereon, and the same shall be collected and returned, in the same manner as other town taxes, and shall be paid to the party entitled thereto. If such district is situated in two or more towns, the clerk of each town shall, on demand of any person interested, furnish for the clerk of every other town in which any part of the district is situated, a certificate showing the total amount of the valuations of taxable property in that part of the district situate in his town, according to the last assessment roll of said town, and the amount of the judgment shall be assessed upon the respective parts of the district within the several towns in proportion to such valuation. In all cases when for any reason, the clerk of any town has heretofore failed, or shall hereafter fail to assess the amount of any such judgment, or the proper proportion thereof, in the next assessment roll after the rendition of the judgment, it shall be his duty to assess the same in any subsequent assessment roll within two years thereafter, upon the taxable property within the district, or part of a district, situate within his town, according to its limits at the time of making the assessment.

How assessed in joint districts.

PENALTIES AND LIABILITIES.

Forfeiture for neglect to serve notice, and to act as chairman.

Sec. 85. Every taxable inhabitant, receiving the notice mentioned in the first and second sections of this chapter, who shall neglect or refuse duly to serve and return said notice, and every chairman of the first district meeting in any district, who shall willfully neglect or refuse to perform the duties enjoined on him in this chapter, shall respectively forfeit the sum of five dollars.

Penalty for neglect or refusal to serve as district officers.

Sec. 86. Every person duly elected to the office of director, treasurer, or clerk of any school district, who shall neglect or refuse without sufficient cause, to accept of such office, and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this chapter, shall forfeit the sum of ten dollars.

Sec. 87. Every town superintendent who shall neglect or refuse to make and deliver to the clerk of the county board of supervisors his annual report, as required in this chapter, within the time limited therefor, shall be liable to pay the full amount of money lost by such neglect or refusal, with interest thereon, to be recovered by the to wn treasurer in the name of the town.

Penalty on superintendent for neglect or refusal to make his annual report to clerk of supervisors.

Sec. 88. Every clerk of the county board of supervisors, who shall neglect or refuse to make the report required in this chapter to be made by him to the state superintendent within the time therefor limited, shall be liable to pay to each town the full amount which such town, or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the preceding section.

Penalty on clerk of board for neglect or refusal to make his report to state superintendent.

Sec 89. All moneys collected or received by any town treasurer, under the provisions of either of the last two preceding sections, shall be apportioned and distributed to the school districts entitled thereto, in the same manner and in the same proportion, that the moneys lost by any neglect or refusal therein mentioned would, according to the provisions of this chapter, have been apportioned and distributed.

How certain penalties to be applied.

Sec. 90. Every clerk of a district who shall willfully sign a false report to the town superintendent of his town, with intent of causing such town superintendent to apportion to his district a larger sum than its just proportion of school moneys of the town, shall be deemed guilty of a misdemeanor, and punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

Penalty on clerk of district for making false report.

Sec. 91. Every school district clerk who shall neglect or refuse to deliver to his successor in office, all records, books, and papers appertaining to such office, shall be subject to a fine not exceeding fifty dollars.

Same for not delivering books, &c., to his successor.

MISCELLANEOUS PROVISIONS.

Sec. 92. It shall be competent for any legally organized school district in this state, to commence suit on the official bond of the town superintendent of common schools of the town in which such district is situated, for the recovery of any moneys lawfully due and belonging to such district, in all cases where such town superintendent shall neglect or refuse, for the space of ten days from the time by law fixed therefor, to apportion and pay over to the proper officer of such district, the school moneys aforesaid.

Districts may sue town superintendents on bond, in certain cases.

District or town superintendent may sue town and county treasurer in certain cases.

Sec. 93. It shall also be competent for such school district, or the town superintendent of schools, in case of default of the town treasurer or county treasurer to pay over to the town superintendent of the town in which such district is situated, the school moneys which by law should be paid over to such superintendent, to commence suit on the official bond of such town or county treasurer, for the recovery of such moneys.

How to commence suit on bond.

District liable for costs.

Sec. 94. For the purpose of this act, the said school district, or the said superintendent, shall have full power and right to commence suit in the name of the persons or officers to whom any bond as aforesaid shall be given, and to control and prosecute such suits without hindrance from the nominal plaintiffs to such suits, provided that such district or superintendent, as the case may be, shall be responsible for any costs that may be finally adjudged against the plaintiffs.

Certified copy of bond by officer holding it, sufficient proof

When suit may be commenced before justice.

Sec. 95. In the prosecution of suits under this act, a copy of the official bond sued upon, duly certified by the officer in whose custody such bond is placed by law, shall be deemed sufficient for all purposes of proof required in law, in said suits. And any suits under this act, in which the sum claimed to be justly due shall not exceed the sum of one hundred dollars, may be commenced and prosecuted before any justice of the peace in the same manner as other cases.

Town superintendent shall make maps of all districts in his town.

Same to note alterations.

Same to furnish clerk of new district with map.

Sec. 96. It shall be the duty of the town superintendent of each town, to make a map of all the school districts and parts of districts in his town, specifying the sections, parts of sections or other subdivisions therein embraced, and file the same with the town clerk on or before the first Monday of September next; and also a map of each district, in like manner, and file the same with the clerk of such district within the time above specified. And whenever thereafter any alteration shall be made in the boundaries of any school district, the town superintendent shall cause such alteration to be marked on the map filed with the town clerk, and on the map of the district or districts affected by such alteration. In case of the formation of a new district, he shall furnish the clerk of such new district with a map thereof, and cause the same to be marked out on the map filed in the town clerk's office.

State superintendent to provide districts with all amendments to this law.

Sec. 97. Whenever hereafter, any amendment shall be made to the provisions of this chapter, it shall be the duty of the state superintendent to furnish a copy of such amendment to every school district in the state.

Sec. 98. Chapter nineteen of revised statutes: "An act to amend chapter nineteen, title seven, part first, of revised stautes," approved March 6th, 1851; Repealing section.

"An act to confer certain powers upon organized school districts, and for other purposes," approved March 11, 1851;

"An act directing in what district personal property shall be taxed for school purposes," approved April 9th, 1852;

"An act to amend chapter nineteen, section seventy-three of the revised statutes," approved April 9th, 1852;

"An act to amend chapter nineteen of the revised statutes," approved March 19th, 1853;

"An act to amend chapter nineteen of the revised statutes of this state," approved March 29th, 1853;

"An act to amend chapter nineteen of the revised statutes," approved March 14, 1853;

"An act in relation to appeals from the decision of town superintendents," approved April 2, 1853; and "An act concerning school districts," approved February 25, 1854, are hereby repealed.

Sec. 99. The superintendent of public instruction is hereby authorized and directed to cause seven thousand copies of this act to be published in pamphlet form, including therein such rules, forms and regulations as he may deem necessary to carry into effect the provisions of this act; and when thus published, it shall be the duty of the superintendent to distribute to each school district in this State, one copy of the same, one copy to each town superintendent, one copy to the clerk of the board of supervisors of each county in the state, and one copy to each of the clerks of the several cities in the State. Copies of this act to be published and distributed.

Sec. 100. This act shall take effect and be in force from and after the first day of July, one thousand eight hundred and fifty-four. When to take effect.

STATE OF WISCONSIN, }
SECRETARY'S OFFICE. } ss.

I, JOHN W. HUNT, Assistant Secretary of State of the State of Wisconsin, do hereby certify that I have compared the acts and parts of acts contained in this book with the original enrolled acts and parts of acts deposited in this office, and that the same appear to have been correctly printed.

In witness whereof, I have hereunto set my hand, and affixed the great seal of the State, at the Capitol, in Madison, this 26th day of May, A. D. 1854.

(L. S.)

JOHN W. HUNT, Asst. Secretary of State.

REGULATIONS CONCERNING APPEALS.

BY THE

STATE SUPERINTENDENT.

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1. An appeal must be in writing, signed by the appellant; and all the facts therein stated, with the accompanying maps and papers, intended to be presented in support of it, must be verified by oath.

2. When the appeal has relation to the formation or alteration of a school district, it must be accompanied by a map of the district, exhibiting the site of the school house, the location of each inhabitant residing therein, the roads and lines of the old and new district, and all other information bearing upon the case. Also, a list of the value of the taxable property, taken from the last assessment roll, and the number of children between four and twenty years of age, belonging to each inhabitant, distinguishing the districts to which they respectively belong.

3. When any proceeding of a district meeting is appealed from, any one or more of the inhabitants of such district may answer the appeal, if the same is not answered by the district board.

4. When the appellant is the district board, a majority must sign the appeal.

5. A copy of the appeal duly verified by oath, and of all the statements, maps and papers, intended to be presented in support of it, must be served on the officer or officers whose act or decision is complained of, or some one of them; if it is from the decision or proceeding of a district meeting, upon the district clerk, or one of the district board, whose duty it shall be to cause information of such appeal to be given to the

inhabitants who voted for the decision or proceeding appealed from, such service must be made within thirty days after the making of the decision, or the performance of the act complained of, or within thirty days after the knowledge of the cause of complaint came to the appellant, or some satisfactory excuse must be rendered for the delay.

6. The party on whom the appeal is served must, within fifteen days from the time of such service, answer the same, either by concurring in a statement of facts with the appellant, or by a separate answer. Such statement and answer must be in writing, and be signed and verified by oath, by the party making it.

7. A copy of the answer, duly verified by oath, and of all the statements, maps and papers, intended to be presented in support of it, must be served on the appellant, or some one of them, within fifteen days after the service of the appeal, unless further time shall be allowed by the state superintendent, on application, in special cases.

8. Affidavit, or admission of service of copies of the appeal, answer, and all other papers intended to be used on the hearing of the appeal, must in all cases accompany the same.

9. No replication or rejoinder shall be allowed, except by permission of the state superintendent.

10. All decisions on appeal must be filed or recorded as the state superintendent shall direct.

LIBRARY REGULATIONS.

REGULATIONS EMBODIED IN THE LAW.

1. The state superintendent shall prescribe rules and regulations for the management of school district libraries, and the penalties for their violation. (Section 49, I; Sec. 74, VII.)

2. Each town superintendent may, in his discretion, set apart a sum not exceeding ten per cent, of the gross amount of the school money apportioned to any school district, which shall be applied to the purchase of a district library. (Sec. 74, VII.)

3. Any school district failing to comply with the library regulations, or to expend all the library money according to law, before the first day of September after it is received, forfeits the succeeding apportionment. (Sec. 45, VII.)

4. Any resident of a school district, and the parents and guardians of all the children therein, between the ages of four and twenty years, shall be permitted to use books from the shool district library of said district without charge. (Sec. 74, VII.)

5. Any school district may raise by tax, annually, the sum of thirty dollars for a district library, and such sum as is necessary for the purchase of a book case. (Sec. 75, VII.)

6. The district meeting may elect a librarian; otherwise the clerk of the district shall be the librarian. (Sec. 76, VII.)

7. All fines incurred by violation of the library regulations shall be sued for and collected in the name of the district board, and applied for the benefit of the library. (Sec. 77, VII.)

8. Any two or more adjoining districts may, with the consent of the town superintendent, unite their means and form a joint library, which shall be deemed vested in the district boards of the districts so uniting their libraries; and the librarian shall be appointed by such district boards. The division of a joint library, when desired, shall be made by the directors of the districts concerned in it, or in case they can not agree, by the town superintendent. (Sec. 78, VII.)

REGULATIONS BY THE STATE SUPERINTENDENT.

9. The district librarian shall have charge of the library, and keep a catalogue of all the books in the library under his care, in a book to be provided by the district for that purpose.

10. Every volume in the library shall have pasted on the inside of the cover a printed paper, specifying the name of the district; the number of the volume; the time books are allowed to remain out of the library; the fine for not returning them within the specified time, and for loss of or injury to the books.

11. Every volume loaned shall be entered by the librarian in a book, to be provided by the district for that purpose, by its number, with the day on which it was loaned; the name of the borrower, and the name of the person to whom it is charged, (see regulation 13;) the date when returned, and condition of the book; the fine assessed for detention or injury done to the book, in the following form:

Time of delivery.	No. of book.	To whom delivered.	To whom charged.	When returned.	Condition of book.	Fine for detention.	Fine for injury.
1854. June 10.	44	Jno Ward	Wm. S. Green.	June 24.	Good.		

12. No person shall be allowed to have more than one volume at a time, or retain the same longer than two weeks; nor shall any person, who has incurred a fine imposed by these regulations, receive a book while such fine remains unpaid.

13. Books may be loaned to minors and charged to their parents, guardians, or the person with whom they reside, who shall be responsible for the books under these regulations.

14. On the election of a librarian, his predecessor shall, within ten days thereafter, deliver to him all the printed and manuscript books, pamphlets,

papers, cases, and all other property belonging to the library which was in his custody, for which the librarian shall give him a full receipt, discharging him from all responsibility therefor, except in the case herein provided; and on receiving the library property, the librarian shall carefully examine all the books, etc., and if any loss or injury shall have been sustained, for which a fine has not been imposed by his predecessor, or for which a fine has been imposed and not certified by him to the treasurer, the librarian shall certify the amount thereof to the treasurer, who shall collect the same of such predecessor in the same manner as other fines are collected.

15. In case of a vacancy in the office of librarian, the district clerk shall perform the duties of librarian, until the vacancy is filled.

16. If any person having held the office of librarian shall neglect or refuse to deliver to his successor all the library property, as prescribed in the fourteenth regulation, the director shall forthwith commence suit, in the name of the district board, for the recovery of the property he shall so neglect or refuse to deliver.

17. On the return of every book to the library, the librarian shall examine it carefully, to ascertain what injury, if any, has been sustained by it, and shall charge the amount of fine accordingly ; and in every case of injury not specified in these regulations, he shall assess the amount of damages to be paid, subject to revision by the district board.

18. The following fines are established by the state superintendent, viz. :

1st. For detaining a book beyond two weeks, five cents per week.

2nd. For the loss of a volume, the cost of the book ; and if one of a set, an amount sufficient to replace it, or to purchase a new set.

3rd. For a leaf of the context torn out and lost, or so soiled as to render it illegible, the cost of the book.

4th. For any other injury beyond ordinary wear, an amount proportionate to the injury, to be estimated by the librarian.

5th. Whenever any book shall not be returned within six weeks from the time it was loaned, it shall be deemed to be lost, and the person so detaining it, shall be charged with its cost in addition to the weekly fine for detaining the book, up to the time such charge is made. But if the book is finally returned, the charge for loss shall be remitted ; and the

fine for not returning the same be levied up to the time of such return: *Provided,* that in no case shall the amount of weekly fines exceed double the cost of the book.

19. On the third Monday of August, November, February and May, and also immediately before he vacates his office, the librarian shall report to the district treasurer the names of every person liable for fines, and the amount each such person is liable to pay; and the treasurer shall give the librarian a certificate of the same, and immediately proceed to collect the same, and if not paid, shall so certify to the director, who shall forthwith bring suit in the name of the district board for the recovery thereof.

20. All library fines shall be paid to the district treasurer, who shall keep account of the same, and shall report thereon to the annual district meeting, giving the name of each individual fined, the amount of his fine, and the sum total of all fines, which report shall be recorded by the clerk; and the district treasurer shall be responsible for all fines not collected through his neglect.

21. On the first day of September in each year, the librarian shall report to the district clerk, as follows:

1st. The number of volumes in the library;

2d. The number of volumes purchased during the year;

3d. The number of volumes presented during the year;

4th. The number of volumes loaned during the year [*counting each volume one for each time it is loaned*];

5th. Amount of fines collected;

6th. Amount of fines expended;

7th. Amount of fines remaining unexpended.

22. The district clerk in his annual report to the town superintendent, shall state—

1st. The number of volumes in the library;

2d. The number of volumes purchased during the year;

3d. The number of volumes presented during the year;

4th. The number of volumes loaned during the year;

5th. Amount of library money received from town superintendent;

6th. Amount of library money raised by tax in district;

7th. Amount expended in purchasing books;

8th. Amount remaining unexpended;

9th. Amount of library fines collected;

10th. Amount of fines expended;

11th. Amount of fines unexpended, and also certify whether the library regulations have been complied with.

23. The town superintendent in his annual report to the clerk of the county board of supervisors, and the clerk of the county board of supervisors in his annual report to the state superintendent, shall, in addition to what is already required, report the following facts for the town and county, respectively;

1st. The number of district libraries;

2d. Number of joint libraries;

3d. Number of volumes in all the libraries;

4th. Number of volumes purchased during the year;

5th. Number of volumes presented during the year;

6th. Number of volumes loaned during the year;

7th. Amount of library money received from the town;

8th. Amount of public money expended for libraries;

9th. Amount of money raised by tax and expended for libraries;

10th. Amount of fines collected;

11th. Amount of fines expended;

12th. Amount of fines remaining unexpended.

24. The library fines collected must first be applied to the replacing of lost volumes, binding pamphlets, and rebinding such books as may require it.

25. These regulations shall apply equally to joint libraries; and when a joint library is formed, the district boards, having the property of the same, shall appoint one of the treasurers of their respective districts treasurer of the library, who shall collect all fines levied by the librarian; and in case the district boards can not agree as to which of the treasurers shall be treasurer of the library, then the treasurer of the district in which the library is situated shall perform the duties of the office.

26. The librarian and treasurer of every joint library shall report all matters specified to be reported by them in these regulations, directly to the town superintendent, and shall furnish the board of each district concerned in the library with copies of such reports, which shall be recorded by the clerks, and laid before the annual district meetings; and no clerk of a district concerned in a joint library shall be required to re-

port on library matters herein specified to the town superintendent, except with regard to the receipt and expenditure of library moneys ; but he shall certify that the library regulations have been observed, or otherwise as the case may be.

27. In case of a joint district, the clerk shall report all matters connected with the library to the town superintendent of the town in which the library is situated, with the exception of the receipt and expenditure of library moneys, which shall be reported to each town superintendent from whom such moneys have been received ; and a certificate of compliance with the library regulations shall be made to each such town superintendent.

28. In case of a joint library, the proprietary districts of which lie in two or more towns, the treasurer and librarian shall report as required by the twenty-sixth regulation to the town superintendent of the town in which the library is located.

29. No person holding the office of district treasurer shall be eligible to the office of librarian.

30. On the resignation of the librarian of a joint library, the district boards shall immediately appoint another librarian, who shall enter upon his duties forthwith.

INSTRUCTIONS AND FORMS

FOR CONDUCTING PROCEEDINGS UNDER THE

SCHOOL LAW, (VII.)

Pursuant to the Provisions of Section 99 of the Act approved April 1st, 1854,

BY THE

SUPERINTENDENT OF PUBLIC INSTRUCTION.

As questions frequently arise in the administration of the school law by school districts and town superintendents, which can not satisfactorily be settled in the towns where they originate, the opinion of the state superintendent is solicited as to the proper construction of the law, and the best mode of extricating themselves from real or imaginary difficulties. This has given rise to an extensive correspondence with school officers and others, which has not been diminished by the numerous and repeated decisions that have been made, of which the records bear evidence. It is designed, in the following pages, to provide the requisite forms for proceedings in the administration of the law, accompanied with such explanatory notes and instructions as are thought necessary to aid school officers in the performance of the duties devolving upon them.

There is also included in this volume, a digest of the decisions, made by this department, upon the points that most frequently arise, which it is hoped will not only save the trouble and expense of a correspondence heretofore deemed necessary, but obviate delays, and prevent, in some measure, difficulties that might otherwise arise.

School officers, and others, are invited to a free and unrestricted correspondence upon all subjects relating to the school law or educational interests of the state.

NOTE A.

(*See Sections* 1, 2, 3, 4, 5, 6, 7, 8, *of the Act.*)

OF THE FORMATION OF SCHOOL DISTRICTS, AND THEIR POWERS AS CORPORATE BODIES.

The principal object of the town superintendent in forming school districts should be, as far as possible, to secure permanent and efficient districts, with a sufficient amount of taxable property and number of children to maintain a school at least six months each year, affording the requisite facilities for the regular attendance of all the children residing in the district. Our free school system is lifeless without the sustaining hand of the people; hence the necessity of securing the co-operation of the inhabitants interested, and of avoiding all occasions for strife and dissentions which destroy, in a measure, the prosperity and efficiency of the district. It is in many cases impossible to satisfy all in the formation or alteration of the boundaries of school districts, and the superintendent, having discharged his duty impartially, should endeavor to reconcile disaffected persons to the changes made; but it is better to submit to many temporary and local inconveniences than to create general dissatisfaction by alterations that may even be highly judicious and beneficial. If, in the formation of a new district, it is contemplated to change the boundaries of a district already organized by setting off a part of its territory into the new district, the notice required by section 60 must be given to the clerk of such district who will notify the other members of the board. (See Form No. 28, and note.)

Having determined upon the boundaries of a new school district, the town superintendent must, within three days, notify the clerk of the district affected by the formation of such new district, of the alteration made in its boundaries. If the district board give their consent to the alteration, this notice may be given by delivering to such clerk a copy of the order forming such new district with the consent of the district board indorsed thereon. The change will then take effect from the date of filing such notice unless otherwise specified in the order.

If the district board refuse their consent the alteration will not take effect until three months after the filing of such notice. (See Form No. 29.)

In all cases of the formation of a school district the town superintendent is required to give immediate notice to the town clerk, (see form No. 1); and must specify in the notice the time when the order forming the district will take effect. In case of the formation of a joint district, the notice must be given as in Form No. 2.

Notice of the first meeting of a district to organize (see Form No. 3, and note) should be given within twenty days after the formation takes effect; but if for any cause it is not so given, it may be at a subsequent time.

The person appointed for that purpose should notify every voter in the district of such meeting, and in case of absence from home of any voter he must leave a notice (see Form No. 4) at his place of residence. Form No. 5 may be used in making the return upon the notice given by the town superintendent; which notice and return must be recorded as a part of the record of the first meeting, thus furnishing the district with an official description of its limits.

No person can now vote in a school district meeting, who is not qualified to vote at a general election for state and county officers, and who has not resided in the district for the ten days immediately preceding the meeting at which he offers to vote. The qualifications requisite for a voter at a general election are as follows:

"Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state for one year next preceding any election, shall be deemed a qualified voter at such election:

1. White citizens of the United States;

2. White persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization;

3. Persons of Indian blood, who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding;

4. Civilized persons of Indian descent, not members of any tribe.

No person under guardianship, non compos mentis, or insane, shall be qualified to vote at any election; nor shall any person convicted of treason, felony, or bribery, unless restored to civil rights; nor shall any person who, being an inhabitant of this state, may hereafter be engaged, directly or indirectly, in a duel, either as principal or accessory, be per-

mitted to vote at any election; nor shall any person who shall have made, or become, directly or indirectly, interested in any bet or wager depending upon the result of any election at which he shall offer to vote, be permitted to vote at such election." (Sections 1 and 2, of chap. 6, of Revised Statutes.)

The law provides, that a school district shall be deemed duly organized when any two of the officers elected shall have filed their written acceptance of the offices to which they have been respectively elected, with the district clerk; and as none but an *organized* district has any powers under the law, it follows that at the first meeting of a district after its formation, no further business can be legally transacted than the election of officers, unless the persons elected are present and immediately file their written acceptance. (See Form No. 7.)

The qualified voters of a district, when assembled at the first meeting, have the same power to transact business as at the annual meeting.

NOTE B.

(*Sections* 9, 10, 11, 12, 13, 14, 15.)

DISTRICT MEETINGS.

The time for holding the annual meeting in each district is fixed by law at six o'clock in the afternoon of the last Monday of September in each year; but any annual meeting may change the *hour* for holding the next annual meeting by vote, duly recorded. For notice of annual meeting, see Form No. 8.

Special meetings may be called by the clerk, or in his absence, by the director or treasurer, on the written request of any five legal voters of the district; and the qualified voters legally assembled at a special meeting, have power to transact the same business as the annual meeting, except to vote a tax and elect district officers.

But no business can be legally transacted at a special meeting which was not specified in the notice calling it. (See Form No. 9.)

The law provides that "special meetings *may* be called," &c., by the clerk. The use of the word *may* does not leave the matter optional with the clerk. The discretion is left only with the legal voters of the district; and if any five of them make a written request of the clerk to call a spe-

cial meeting stating the objects for which they wish it called, it is the imperative duty of the clerk to do so, and any neglect or refusal on his part will subject him to a fine under section 86 of the School Law.

Six days notice must be given of each annual meeting, and of every meeting that shall have been adjourned for a longer time than one month, (see Form No. 10,) and of every special meeting, (except as provided in section 3, when a district has lost its organization,) by posting notices in four or more public places in the district.

No annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was *willful* and *fraudulent.* This provision is intended to apply to cases, when through mistake or accident, the proper legal notice was not given, and not to cases where no attempt has been made to comply with the law. The above provision will apply equally to special meetings. For when the clerk undertakes to give the requisite notice, and fails unintentionally to strictly comply with the law, the proceedings of the meeting will not be *void* on that account, but may be set aside on appeal, for sufficient cause shown.

If the time for holding the annual meeting in any district, shall pass without the election of district officers, the clerk, or in his absence, either the director or treasurer, within twenty days after the time for holding such annual meeting, may notify a special meeting for such election in the manner prescribed in the twelfth and twenty-ninth sections, &c. That is, the clerk must call the meeting if requested by five legal voters, and must give notice the same as for any other special meeting. If a special meeting is not thus called, the town superintendent may, in his discretion, call a meeting, (See Form No. 6,) or suffer the old officers to hold over; but it is always best to choose officers annually, even though the old officers are re-elected.

No school district meeting can vote to raise a sum exceeding three hundred dollars for building, hiring, or purchasing a school house, without a written certificate from the superintendent of the *town in which the school house is to be situated,* that a larger sum ought to be raised. (See Form No. 11.) In a joint school district, a majority of the superintendents of the towns in which such district is situated, must sign the certificate before a larger sum than $300 can be voted to build, hire, or purchase a school house.

MODE OF PROCEEDING.

The law does not specify what number of voters shall constitute a quorum for the transaction of business at a district meeting; and if the notice of any meeting has been legally and fairly given, and the proceedings are regular, they will not be disturbed because of the few voters that were in attendance. It is the privilege and the duty of all voters in a district to assemble at the time and place appointed for the transaction of business, and for deliberation and consultation upon the various interests connected with their schools. Such meetings should be conducted with order, regularity and decorum; no other feeling than a sincere desire to promote union, harmony and concert of action should be there entertained. It is the will of a majority of the district that is required to secure efficiency in the acts of the district.

At the appointed hour, after making an allowance of fifteen or twenty minutes for difference in time pieces if the voters are not all assembled, the meeting should organize by the appointment of a chairman, the clerk of the district acting as clerk of the meeting. If the clerk is not present, or if it is the first meeting of the district, the meeting should choose a clerk for the time being.

The meeting is then organized for the transaction of business; and if there are but a few voters of the district present, it is always advisable to adjourn the meeting, if a larger number can be assembled by so doing.

The regular mode of choosing district officers is by *ballot*, separately for each office, and this mode of proceeding should not be dispensed with under any circumstances.

A majority of all the votes cast is necessary to elect; and when officers have been fairly elected, it is not in the power of the meeting to re-consider or rescind the vote by which they were chosen. If any person so chosen is present and signifies to the meeting that he will not accept, the meeting may, as thought best, make another choice, or allow the vacancy to be filled by appointment, though it is better to make another choice at once.

All other business of the meeting should be transacted by written resolution, regularly put to vote in the customary manner. If there is any doubt in ascertaining the result of any vote, the persons voting for or against any resolution should be determined by count, or by ayes and

nays. It is desirable that the votes taken on all resolutions contemplating the raising of taxes, should be by ayes and nays. And to prevent delay in the proceedings of the meeting, the clerk should have prepared a list of the voters of the district, for taking the ayes and nays upon the different propositions that will probably come before the meeting after the following form :

NAMES OF VOTERS.	On resolution to designate School House site.		On resolution to raise $250, tax to build School House.		On resolution to raise $40, tax to pay Teachers' wages.		On resolution to raise $15, tax for Library.	
	Ayes.	Nays.	Ayes.	Nays.	Ayes.	Nays.	Ayes.	Nays.
James Miller,	--		--		--		--	
Thomas Carrol,	--		--			--		--
John Clark,	--		--		--		--	
Edward Ross,	--		--			--	--	
Henry Billings,	--		--		--			--
William Johnson,		--	--			--	--	
Alvin Morris,		--	--		--		--	
	5	2	7		4	3	5	2

As the law now provides that no school district tax can be legally voted, except at the first and each annual meeting, and that all district taxes must be collected by the town treasurer, it becomes necessary for the district board of each district to estimate the expenses necessary to be incurred by the district for the ensuing year, and submit a detailed statement thereof, stating separately each item of expenditure, to the annual meeting.

All propositions brought before a district meeting should be voted upon *separately*, in order to obtain an expression of the real wish of every voter upon each of the propositions submitted.

School districts may alter, repeal, or modify their proceedings as occasion may require. This can not be construed to apply to the election of officers, or to any proceedings that have been partially or wholly carried into effect ; as where contracts have been entered into, liabilities incurred, or expenditures of money had, in carrying out any measure directed by the district, as there are no means provided to indemnify those who may be losers thereby. If it is intended to alter or modify at a special meeting any proceedings of a previous meeting, the intention to do so must be specified in the notice calling such meeting.

It is the duty of the person acting as clerk to keep accurate minutes of the proceedings ; and before the meeting is adjourned these minutes should be read that errors, if any, may be corrected, and afterwards they should be recorded by the clerk in the record book of the district.

No particular form is required for keeping the minutes of the proceedings of a district meeting. They should be recorded just as they occurred. It is important, however, that the time and place of holding and character of the meeting, should be distinctly stated, which may be as follows :

"At a meeting of the legal voters of school district No. — of the town of —— held pursuant to adjournment, at —— on the —— day of —— 18—, [*or, if it is the annual meeting, say, "at an annual meeting of, &c., held pursuant to notice, at," &c.; or if it is a special meeting, say, "at a special meeting of, &c., held pursuant to a special notice by the clerk, at," &c.; or if it is appointed by the town superintendent, say, "at a meeting of the legal voters of, &c., held pursuant to appointment by the town superintendent, and notice served on all the qualified voters of the district, at," &c.*] A. B. was chosen chairman, and C. D. was present as district clerk, [*or, if the clerk is not present, say,* "the clerk being absent, R. S. was chosen clerk, *pro tem.*"]

Then enter the proceedings in the form of resolutions, and state whether adopted or rejected, and the names of every person voting for and against any resolution, if the ayes and nays are called.

By section 15 the qualified voters, at an annual meeting, may determine the length of time a school shall be taught, whether by a male or female teacher, the application of public money, &c. ; but if the meeting does not direct the board in these matters, it becomes their duty to act the same as the district might have acted. It must be borne in mind that none but the *annual* meeting can direct the district board in these matters, though a special meeting may advise and recommend.

The board are authorized to hire a teacher for three months, even though the district vote that they will have no school.

It is desirable and important that schools should be taught in every district in the state throughout the year, with the exception of the usual vacations ; but as this is impossible in a great majority of districts, there should be at least two terms, one commencing on the first of May, and the other on the first of November, thus accommodating a class of schol-

ars who are necessarily engaged in agricultural or other pursuits, and unable to attend school during the summer months.

NOTE C.

(*See from Sections* 16 *to* 32, *inclusive.*)

DISTRICT OFFICERS AND THEIR DUTIES.

The officers of a school district are a director, treasurer and clerk, who constitute the district board, and a majority of the members thereof is sufficient to give validity to any act of theirs as a district board. They hold their respective offices until the annual meeting succeeding their election or appointment, and until their successors are elected and qualified, but not to exceed ten days beyond the second annual meeting after their election. The manner of calling a special meeting to elect district officers when the annual meeting has passed without an election, has been considered in Note B.

District officers are not required to file a written acceptance with the clerk, except at the organization of a district, and when an appointment has been made to fill a vacancy. The clerk of the meeting, at which officers were elected, is required to notify the persons elect who were not present at the time of their election, (See Form No. 12 ;) and unless each person so elected and notified, shall, within ten days after his election, file with the clerk his *refusal* in writing to accept the same, he shall be deemed to have accepted the office, (See Form No. 13.) A person appointed to fill a vacancy (See Form No. 24,) must file a written acceptance. (See Form No. 7.)

It is the duty of the director to sign all orders drawn by the clerk on the treasurer, (See Form No. 14,) or the treasurer is not required to pay them. But the director is expected to see that the orders drawn by the clerk are legitimate and proper, and contemplate no illegal or unauthorized disbursement of public money.

TREASURER.

The office of treasurer is vacant unless the person elected qualifies within ten days, by filing his bond, duly approved by the director and clerk. (See Form No. 16.) The duties of treasurer are far less onerous than formerly, as he is not now required to collect school district taxes; but he is required to keep account of all money received by him during

the year, and of all money disbursed by him, with the items of such disbursements, which must be embodied in a report to the annual meeting, accompanied with vouchers for money paid out. (See Form No. 15.)

The treasurer should be careful to keep a minute and correct account of every transaction of his office, and preserve the vouchers for all money paid out. A mere exhibition of vouchers by the treasurer to the meeting is not all that is required by the law. Each item of his account must be particularly and fully set forth and reported to the meeting, that it may be recorded by the clerk. The finances of the district are always a matter of solicitude to those interested, and a very little attention on the part of the treasurer will enable him at all times to satisfy any one of their true condition, and inspire confidence in his report by convincing them of its correctness. The treasurer is liable on his bond for any malfeasance in office, or for refusing to pay any balance that may be in his hands to his successor.

It is the duty of the treasurer to apply to the town superintendent for the school money due his district as soon as the same becomes payable, and give his receipt therefor to that officer, that he may be able to make his annual settlement with the town board of supervisors.

The form of such receipt may be as follows:

Received of A. B., town superintendent of schools of the town of ———, the sum of ——— dollars, being the amount of school money apportioned to school district No. ——, of said town, by said town superintendent, for the year 185 —.

Dated, &c.

F. S.,
Treasurer of school district No. —,
of the town of ———.

CLERK.

The duties of the clerk are particularly specified in the law, which are generally to keep all the records of the district in a book provided for that purpose. To aid him in the discharge of his duties the necessary forms accompany these notes. If not present at a district meeting, it is his duty to record the proceedings thereof when certified to him by the clerk of the meeting.

It is the duty of the clerk to hire *qualified* teachers; but as a contract made by him without the consent of either the director or treasurer, or

both, is not binding upon the district, it becomes necessary for the clerk to consult with the other officers before the contract with the teacher is complete. If the officers would on every occasion consult with each other on all matters left to them by the district or imposed upon them by law, there would be no occasion for any misconception of the views and feelings of each other; and it would be a preventive of the difficulties arising in school districts, that sometimes result in destroying the usefulness of the school and prostrating the energies of the district.

The clerk is not authorized to hire any but *qualified* teachers, and if the board would invariably insist that the applicant should produce the necessary certificate before the contract is made, it would also prevent much trouble; for a contract made with a teacher who is not qualified, is not binding upon the district, and the district board make themselves individually liable to pay the teacher. (For form of contract see No. 17.)

The contract should be filed with the district clerk, and a duplicate furnished to the teacher.

There is a diversity of opinion and practice in relation to the word "month" when applied to schools; but general usage has determined a school week to mean five and one-half days, and a month twenty-two days; allowing the teacher to close the school during the afternoon of each Saturday, or teach all day every other Saturday as may best suit the convenience of the scholars.

From long established and time-honored usage, schools may be closed, without loss of time to the teacher, on days which it is customary to observe as holidays, among which may be enumerated the fourth of July, Christmas, New Year's, and the day set apart by the Executive as a day of thanksgiving.

Section 30 makes it the duty of the clerk, between the first and fifteenth of September in each year, to make and transmit a report in writing, signed by himself, to the town superintendent, dated on the first day of September of the year in which it shall be transmitted.

The facts required to be reported by the clerk are those contained in section 30 of the school law and the twenty-second library regulation, together with some others, all of which are provided for in Form No. 18. The blanks are filled for the sake of example. When there is nothing to be reported, a cipher should be placed opposite the heading.

The clerk is required to draw all orders on the treasurer. (See Form

No. 14.) It is the duty of the clerk to furnish a school register, at the expense of the district, for the use of the teacher, in which shall be entered the names, ages, studies, attendance and absence of all scholars attending school. As it is impossible for the clerk to report to the town superintendent some of the facts required to be reported, unless this register is kept, it is important that the clerk should furnish such register to the teacher, and his willful neglect or refusal to make the requisite entries will cause a forfeiture of wages. (See Form No. 19.)

NOTE D.

(*See Sections* 33 *and* 34.)

OF THE ASSESSMENT AND COLLECTION OF TAXES.

On or before the fourth Monday of November in each year, the district clerk is required to deliver to the town clerk a statement in writing, verified by his affidavit, showing the amount of taxes voted to be raised at the last preceding annual meeting, and at the first meeting after the organization of the district, or both as the case may require, together with a list of persons and corporations liable to a district tax. (See Form No. 20.)

In making up a list of the corporations liable to tax, the clerk will bear in mind that by the act of April 1st, 1854, railroads and plank roads are exempt from all but a state tax, and that only the real property of any bank or banking association can be taxed for school purposes. All other property is liable for school tax the same as for other taxes.

In case of a joint district, the clerk will ascertain the proportion to be raised in each part of such district, and deliver a statement and list to the town clerk of each town in which any part of the district is situated. (See Form No. 21.) To enable him to furnish this statement, the town clerk of each town is required, on demand, to deliver a certified statement of the real and personal property of that part of the district lying within his town, to the district clerk.

The town clerk is required by law to deliver the tax roll to the collector on or before the second Monday of December, and if the district clerk should neglect until that time to deliver the requisite statement to the town clerk, the tax can not be collected until the following year.

Upon delivery to him of such statement, the town clerk must give to the district clerk a certificate that he has received the same, stating the amount of the tax, and time when received, which must be filed in the office of the said district clerk.

NOTE E.

(*See Sections* 35 *to* 41 *inclusive.*)

DISTRICT BOARD.

It is made the duty of the district board to purchase or lease such a site for a school house as shall have been designated by the district, (See Form No. 22,) and to build, hire, or purchase such school house out of the funds provided for that purpose. (See Form No. 23.) As these are important duties imposed upon the district board, it is necessary that their authority to act in the premises should be clearly and distinctly shown upon the records of the district. When the district board are required to execute a conveyance of a school house site, the same form of a deed may be used as in No. 22, except that the party of the second part becomes the party of the first part, and the signatures of the board are to be made in the same manner as in the form given of a lease.

If the district board remove a school house, buy a lot for a site, or do any other act which they are not by law authorized to do without a vote of the district, it is at their own peril. The voters of the district may ratify their proceedings at a subsequent meeting, but if they do not choose to do so, the district board are without remedy.

Section 28 requires the district board to provide the necessary appendages of the school house. Of their expenses in so doing they must keep an accurate account, and present the same for allowance at the annual meeting. This general power to furnish necessary appendages must not be construed to warrant the district board in incurring more than the usual and ordinary expenses necessary to keep the school house in good repair, supplied with fuel and such appendages as are ordinarily found in and necessary to the usefulness of a school. A black board is considered an indispensible appendage to a school room, and may be provided by the district board. All extraordinary expenditures should be authorized by a vote of the district.

The district board have the care and keeping of the school house and other property belonging to the district; and in the exercise of this care, their first object should be to secure the school house for the use for which it was built, without any interruption or embarrassment to the school, or any damage to the property. This being done, it is competent for the district who are the owners of the school house, to permit it to be used for any moral, literary, or useful purpose.

The district board are authorized to purchase, at the expense of the district, such school books as are necessary for the use of those children attending school whose parents or guardians are unable to furnish them. This duty should never be neglected by the board, and they should promptly furnish books to such children, when informed by the teacher that they are in need of them.

WHAT SHALL BE TAUGHT IN SCHOOLS—TEXT BOOKS.

The law requires orthography, reading, writing, English grammar, geography and arithmetic, to be taught in every district school. The district board may determine what other branches shall be taught.

The only authority to determine what *text books shall* be used in schools is vested in the district board. This power should be exercised in every district, and with the two-fold object of securing uniformity of text books, and the works of the best authors. The necessity of uniform text books is so apparent to every one, that it seems unnecessary to urge upon the district board the important relation it bears to the success and efficiency of the school. There can be neither order, classification nor system, in a school without such uniformity, for it compels the teachers to divide the pupils into as many classes as there are kinds of books, so that the time that might have been devoted to a careful and deliberate hearing of a class of ten or twelve, where all could have improved by the teachings and corrections of the instructor, is almost wasted in the hurried recitations of as many pupils in separate classes; while in large schools some must be wholly neglected. The teacher will thus satisfy neither himself, his scholars or their parents.

Recommendations have been made by this department of suitable books to be adopted and used in schools; but as in many instances it is impossible to obtain them, let the district board consult with the teacher and town superintendent, and any other persons informed and interested upon educational matters, and determine what books shall be used.

NOTE F.

TOWN SUPERINTENDENT—HIS POWERS AND DUTIES.

(*See sections* 42 *to* 53 *inclusive.*)

Many of the duties of town superintendents of schools have been considered in connection with other subjects, and are particularly defined in the sections referred to at the commencement of this note.

By section 44 it is made his duty, between the first and fifteenth of October in each year, to make and transmit to the clerk of the board of supervisors of his county, a report in writing, bearing date on the 1st of October, of the year of its transmission. Such report must be made upon all the particulars specified in said section and the twenty-third library regulation, with some additional ones, which will be found in Form No. 25, according to which the report must be made. The law makes it the duty of the town superintendent to see that the annual reports of the district clerks are made correctly and in due time. A little attention to the reports of the clerks at the time they are made, will enable him to submit a complete report to the clerk of the board of supervisors. District clerks and town superintendents are particularly and urgently requested to make full and accurate reports upon each subject upon which information is asked.

The town superintendent is entitled to one dollar per day for every day actually and necessarily devoted by him to the discharge of his duties as such officer. This provides for time spent in examining teachers, visiting schools, making reports, forming or altering school districts, and the performance of all other duties required of him by law.

He can not receive fees under any circumstances. His account for services must be presented to the town board, and paid out of the town treasury, and *not* from the money raised by the town for school purposes.

Whenever a school district is divided and a new district formed, after the annual report of the district clerk has been made, and before the apportionment of school moneys by the town superintendent, he shall apportion to such districts according to the number of children in each over the age of four and under the age of twenty years. That is, if the district before it was divided had eighty scholars between four and twenty years of age, and twenty were set into the new district, he will apportion the money in the proportion of twenty to sixty, and not according to the whole number of children that may be found in the new district.

NOTE G.

(*See Sections* 54 *to* 59, *inclusive.*)

EXAMINATION OF TEACHERS, AND ANNULLING CERTIFICATES.

The town superintendent is required, by law, to examine all candidates for teaching, in regard to moral character, learning and ability; and if found qualified, he shall deliver to such person a certificate in the form prescribed by the state superintendent. (See Form No. 26.)

The town superintendent may, if he shall think proper, limit the certificate to a single district, but it must remain in force for one year, unless annulled. But if the candidate is found deficient in either of those three important requisites, a certificate should be refused. The law contemplates a formal examination of the qualifications of candidates which should be extended to all the branches required to be taught in common schools, and to the method of instruction.

The duties and power thus confided to the town superintendent are most important and involve great responsibility, and upon their proper fulfillment, in a great degree, depend the elevation and improvement of the district schools. He should discharge his duties in this as in all other respects, without "fear, favor, affection, or hope of reward," with no other object in view than the best interests of the schools under his supervision.

ANNULLING CERTIFICATES.

If complaints are made against a teacher, by any person concerned, to the town superintendent, it is his duty to inquire into the cause of such complaints. If it is his intention to annul the certificate of such teacher, he must give ten days notice in writing to the teacher and to the district board, of such intention; and should state in such notices the complaint or charges made. A day for hearing the charges made against the teacher should be appointed by the town superintendent, if desired by either the teacher or the district board, which will afford a fair opportunity of arriving at the truth of the allegations. If the complaint is that he has not sufficient qualifications, he should have an opportunity for a re-examination; if on account of his mode of instruction or school government, the superintendent should visit the school and ascertain the truth. But in no case should the town superintendent exercise this power in an

arbitrary manner, nor unless he is satisfied of the truth of the charges preferred, or of his incompetency to teach the school. For Form of note annulling teacher's certificate, see No. 27.

INSPECTION OF SCHOOLS.

It is the duty of the town superintendent to visit all common schools within his town. Section 59 particularly points out his duties as such visitor, and they should not be neglected. He should visit each school at least twice each term, or oftener if circumstances require, and should advise with the teachers, officers and others, upon all matters pertaining to the school, or the affairs of the district. All teachers will bear witness of the happy influence of frequent visitation of schools, not only by school officers, but by parents, and all persons who have children in the school room under their guardianship. "The teachers and scholars feel that they are not abandoned to neglect; the apprehension of discredit will stimulate them to the greatest effort; while the friendly suggestions of the visitors will tend constantly to the improvement of the schools, and they will themselves be more and more enabled to recommend proper measures from their better acquaintance with the subject."

NOTE H.

OF THE FORMATION AND ALTERATION OF SCHOOL DISTRICTS.

(*See Sections* 60 *to* 65 *inclusive.*)

The method of proceeding in the *formation* of school districts has been considered in Note A. Section 60 provides that whenever the town superintendent contemplates any alteration in the boundaries of a school district, he shall give five days notice to the clerk of each district to be affected thereby, of the time and place he will be present to decide upon such proposed alteration. (See Form No. 28.)

The district clerk will immediately notify the other members of the board, which may be done by giving them a copy of the notice served upon him. The district board may apply to the chairman of the town board of supervisors and town clerk, to be associated with the town superintendent; and when such board is constituted, it requires a majority to make any change in the boundaries of the district.

In all cases of alteration of the boundaries of a school district, whether with or without the consent of the district board, it is the duty

of the town superintendent to immediately notify the town clerk, and the clerk of each district affected by such alteration. If the district board consent, notice may be given to the district by filing a copy of the order altering the district, with such consent endorsed thereon, with the district clerk. If they refuse their consent notice may be given according to Form No. 29. When the consent of the district board is given, the alteration takes effect from the time of filing the notice with the district clerk, unless otherwise specified in the order. Notice may be given to the town clerk by delivering to him the order making the alteration, and also stating when such order will take effect.

A *conditional* consent can not be received from a district board; it must be given without any express or implied condition, and to the specific alteration made in the order. For Form of order altering boundaries of a district, and consent of district board, see No. 31.

Alterations in the boundaries of a joint district must be made by the concurrence of the town superintendent of each town in which any part of the district is situated, and notice thereof must be given to the clerk of each such town.

DIVISION OF PROPERTY ON THE FORMATION OF A NEW DISTRICT FROM AN ORGANIZED DISTRICT.

Whenever a new district is formed wholly or partially from the territory of a district possessing a school house or other property, it is the duty of the town superintendent at the time such formation takes effect, to ascertain and determine what proportion of the value of such property the new district is entitled to. This amount must be ascertained by first determining the real condition of the district at the time of the division, by adding to the value of the school house the value of all other property, including the school house site, library, apparatus and money in the treasury; and from the aggregate deduct the amount of all debts due from such district. The new district is entitled to such proportion of that balance as the taxable property set off from the old district bears to the whole amount of taxable property before the division. For instance, if the old district contained $8,000 of taxable property, and $2,000 was set into the new district, such new district is entitled to one-fourth of the value of the property retained by the old district.

Having determined the amount to which the new district is entitled, the town superintendent must make an order (see Form No. 32) directed

to the district board of the district retaining the school house, &c., requiring such district to levy and collect the amount awarded to the new district, and pay the same to the treasurer thereof.

This division of property can be made only when a *new* district is formed, and not when the boundaries of organized districts are merely altered by the transfer of territory from one to another.

By section 96 it is made the duty of the town superintendent to make a map of all the school districts in his town, before the first Monday of September next, and file it with the town clerk; and within the same time to furnish a map of each district to the clerk thereof. After said first Monday of September it is his duty to mark each alteration made upon the map in the possession of the town clerk, and upon the map of each district that may be altered. It is but little trouble to make these maps and note upon them the different changes made, and the town superintendent should not fail to discharge his duty in this respect, as such maps are indispensible in many instances where frequent changes are made, and are always convenient.

NOTE I.

VALUATION AND EQUALIZATION OF PROPERTY.—TOWN CLERK.

(*Sections* 67, 68, 69 *and* 70.)

School taxes are assessed upon the same property as taxes for town and county purposes.

Whenever a tract of land has been assessed as a whole, or an aggregate valuation has been placed upon the entire tract, and such land lies in different school districts, section 68 authorizes the town clerk to estimate the value of these different parts lying in different districts, for the purpose of school district taxation.

As the assessments of adjoining towns frequently differ in the relative valuation of property, causing unequal taxation in joint school districts, the superintendents of the towns in part embraced by a joint district, are authorized, upon application of any three tax payers of the district, to determine the relative proportion of taxes to be assessed upon the *real estate* of the parts of such district. They shall certify their determination to the town clerk, who is required to assess the school tax of such district for that year, according to such determination, if received in time.

The town clerk is required to record in a book to be kept for that purpose, a description of all school districts within his town, and each alteration thereof; and he shall keep all reports, books, papers, maps, &c., belonging to the town superintendent, when requred by him.

NOTE J.

CLERK OF THE COUNTY BOARD OF SUPERVISORS.

(*Sections* 71, 72, 73.)

The clerk of the county board of supervisors, is required, on or before the tenth day of November in each year, to transmit to the state superintendent a report in writing, setting forth the whole number of towns in his county, distinguishing those from which the required reports have been received from the town superintendents, and containing an abstract of their reports. The clerk of the county board of supervisors is requested to report upon some additional particulars, not reported upon by the town superintendents, all of which will be made according to Form No. 33.

He is also required to deliver to the county treasurer, on or before the 10th of November in each year, a written statement of the whole number of chidren over the age of four, and under the age of twenty years, residing in each town, as shown by the reports of the town superintendents.

The attention of the clerk of the board of county supervisors is direct- to the provisions of section 51, chapter 10, sections 43 and 44, chapter 15, and section 5, of chapter 20, of the Revised Statutes.

No portion of the income of the school fund can be apportioned to any town or city, unless such town or city has raised for school purposes, a sum of money equal to one-half the amount received from the state at the last previous apportionment.

The law requires the county board of supervisors, at their annual meeting each year, to estimate and determine the amount to be raised in *each town* and *city* for school purposes. It is not sufficient that the aggregate directed to be raised in the county is equal to one-half the amount received by the county at the last apportionment; but it must appear from the certified statement of the clerk of the board of supervisors made to the state superintendent that *each town* and *city* has been directed to raise an amount equal to one-half that received the March previous, or school money cannot be apportioned to such towns and cities, under the provisions of the constitution.

FORMS.

No. 1.

Form of notice, to be given by the Town Superintendent to the Town Clerk, of the formation of a new school district.

[See Sections 1, 43.]

To the Town Clerk of the town of ———.

I have this day formed a new school district in the town of ——, to be called "School District No. —— of ———," of which the following is a description:

[Here mention the sections and parts of sections, or other subdivisions of which such district is composed, or describe the boundary.] Such formation will take effect on the —— day of ——, 185—.

Dated this —— day of ——— 185—.

[Signed] A. B.,
Town Superintendent of Schools
of the town of ———.

No. 2.

Form of Notice, to be given by the Town Superintendents to the Town Clerks, of the formation of a joint school district.

[See Sections 1, 43, 65.]

To the Town Clerk of the Town of ———.

We have this day formed a new joint school district, composed of a part of the towns of ——— and ———, to be called "Joint

School District No. —— of ——— and ———," of which the following is the description:

[Here mention the sections and parts of sections, or other subdivisions of which the district is composed, or describe boundaries.] Such formation will take effect on the —— day of ———, 185—.

Dated this —— day of ———, 185—.

[Signed] A. B.
Town Superintendent of Schools
of the town of ———.
E. F.
Town Superintendent of Schools
of the town of ———.

Note.—In case the district is composed of parts of more than two towns, of course the form must be changed to correspond, and the notice given to the clerk of each town in which any part of the district so formed is situated.

No. 3.

Form of Notice of the first meeting of a School District, to be delivered by the Town Superintendent to a taxable inhabitant of the district.

[See Sections 1, 65.]

To A. B., taxable inhabitant of school district No. ——, *of* ———.

The town superintendent of schools of the town of ———, having formed, on the —— day of ———, 185 , a new district in said town, called "school district No. ——, of ———," of which the following is a description [*Here describe the district as in Form No.* 1]. You are hereby directed to notify every qualified voter of said district to attend the first meeting thereof, which is hereby appointed to be held at the house of ———, in said district, on the —— day of ———, 185 , at —— o'clock in the —— noon, by reading this notice in the hearing of each such voter; or in case of absence from his place of residence, by leaving thereat a written notice of the time and place of such

meeting, at least five days before the time appointed for such meeting.

Dated at ———, this —— day of ———, 185 .

[Signed] A. B.,
Town Superintendent of Schools,
of the town of ———.

Note.—If it is a joint district, the notice must be signed by the superintendent of each town in which any part of the district lies.

No. 4.

Form of Notice of first meeting to be left at the residence of a voter when absent.

[See Sections 2, 65.]

To A. B.:—

By direction of the town superintendent of the town of ———, you are hereby notified that the first meeting of school district No. ——, of ———, recently formed, will be held at the house of ———, in said district, on the —— day of ———, 185 , at —— o'clock in the —— noon. Your attendance is requested.

Dated this —— day of ——— 185 .

[Signed] G. H.,
Person appointed to give notice.

No. 5.

Form of return to be indorsed upon notice received from Town Superintendent on the formation of a School District.

[See Sections 2, 65.]

I hereby certify that I have notified the following named persons [*Here give the names in full.*] personally, and the following named person [*Here insert names.*] by copy, according to the direction of the within notice.

Dated this —— day of ———, 185 .

[Signed] G. H.,
Person appointed to give notice.

No. 6.

Form of Notice of a meeting of a School District, to be delivered by the Town Superintendent, to a taxable inhabitant, in case there is no officer to call a meeting.

[See Section 3.]

To A. B., a taxable inhabitant of school district No. —, of ———:

You are hereby directed to notify every qualified voter of school district No. ——, of ———, to attend a meeting thereof, which is hereby appointed to be held at the house of ———, in said district, on the —— day of ———, 185 , at —— o'clock in the —— noon, by reading this notice in the hearing of each such voter, or, in case of absence from his place of residence, by leaving thereat a written notice of the time and place of such meeting, at least five days before the time appointed for such meeting. The following is a description of said district: [*Here describe the district as in Form No.* 1.]

Dated this —— day of ——— 185 .

[Signed] A. B.,
Town Superintendent of Schools,
of the town of ———.

No. 7.

Form of acceptance of office by District Officers, to be filed with the district clerk.

[See Section 7.]

I hereby signify my acceptance of the office of ——— of school district No. ——, in the town of ———, to which I have been elected. [*Or if appointed, say,* "to which I have been appointed to fill a vacancy."]

Dated this —— day of ——— 185—.

[Signed] G. H.

No. 8.

Form of Notice of Annual District Meeting.

[See Sections 10, 29.]

Notice is hereby given to the qualified electors of school district No. ——, of the town of ———, that the annual meeting of said district for the election of officers and the transaction of other business, will be held at ——— on the —— day of September, [*the last Monday of September*] at 6 o'clock in the afternoon, [*unless some other hour was determined upon by the district at the last previous annual meeting.*]

Dated this —— day of ———, 185—.

[Signed] C. D.,
District Clerk.

No. 9.

Form of Notice of Special District Meeting.

[See Sections 12, 29.]

Notice is hereby given to the qualified electors of school district No. —— in the town of ———, that a special meeting of said district will be held at ———, on the —— day of ———, 185—, for the following objects. [*Here particularly specify each item of business to be acted upon.*]

Dated this —— day of ———, 185—.

[Signed] C. D.,
District Clerk.

No. 10.

Form of Notice for an Adjourned District Meeting, when such meeting has been adjourned for a longer period than one month.

[See Section 29.]

Notice is hereby given, that a meeting of the qualified electors of school district No. —— in the town of ———, will be held at

———, in said district, on the —— day of ———, 185—, at —— o'clock in the —— noon, pursuant to adjournment.

Dated this —— day of ———, 185—.

[Signed] C. D.,
District Clerk.

No. 11.

Form of Certificate to be given by the Town Superintendent in cases where a larger sum than $300 is necessary to build a School House.

[See Section 14.]

I hereby certify that it is my opinion that the sum of —— dollars should be raised in school district No. ——— of the town of ———, for the purpose of building [*hiring or purchasing*] a school house for said district.

Dated this —— day of ———, 185—.

[Signed] A. B.,
Town Superintendent of Schools
of the town of ———.

Note.—In case of a joint district, the certificate should be made and signed by a majority of the superintendents of the towns in which such district is situated.

No. 12.

Form of Notice to be given by the Clerk of a School District Meeting, to the Officers elect who were not present at the meeting.

[See Section 16.]

To ————:

You are hereby notified that at a meeting of school district No. —— in the the town of ———, held on the —— day of ———, 185—, you were duly elected ——— of said district.

Dated this —— day of ———, 185—.

[Signed] C. D.,
Clerk of said meeting.

Note.—This notice is required to be given within five days after the meeting, and only to those persons elected who were not present at the time.

No. 13.

Form of Refusal to accept District Office, to be filed with the Clerk of the District.

(See Section 16.)

To the clerk of school district No. —— in the town of ———:

You are hereby notified of my refusal to accept the office of ———, to which I was elected at the meeting of said district held on the —— day of ——— 185—.

Dated this —— day of ———, 185—.

[Signed] G. H.

Note.—This notice of refusal must be filed within ten days after the election, or the person will be deemed to have accepted the office, and be liable to fine for non-performance of duty.

No. 14.

Form of Order on Treasurer for Moneys to be disbursed by School District.

(See Sections 17, 19 and 31.)

To A. B., treasurer of school district No. ——
in the town of ———:

Please pay to ——— ——— the sum of —— dollars out of any money in your hands belonging to said district.

Dated this —— day of ———, 185—.

[Signed] C. D.,
District Clerk.
G. H.,
Director.

No. 15.

Form of Annual Report to be submitted by District Treasurer to Annual Meeting.

(See Section 20.)

I, A. B., treasurer of School district No. ——, in town of ———, submit the following report to the annual meeting of said district,

of all moneys received and disbursed by me since the last annual meeting:

[Amount received from my predecessor, . .	$10 00
" " town superintendent, . .	75 00
raised by tax in district, and received, .	300 00
Total received, . .	$385 00

I have paid out,

On order of district clerk,			Dec. 3rd, 185 ,	$20	
"	do.	do.	Jan. 10th, 185 ,	40	
"	do.	do.	Feb. 1st, 185 ,	10	
"	do.	do.	Feb. 27th, 185 ,	55	
"	do.	do.	May 10th, 185 ,	80	
"	do.	do.	June 11th, 185 ,	170	
				——	$375 00
Leaving a balance on hand of .					$10 00

The taxes assessed upon the taxable property of the district during the year have been—

For building a school house, . . .	$250 00
" fuel, ...	10 00
" black board, ...	5 00
" outline maps, ...	15 00
" teacher's wages, ...	20 00
	$300 00]

All of which is respectfully submitted.

Dated this —— day of September, 185 .

[Signed] E. F.,

Treasurer of district No. ——,

of the town of ———.

Note.—The report should simply state the facts as required by law, and the above form may be of some aid in arranging the items of the report.

No. 16.

Form of Bond of District Treasurer to be filed with the District Clerk.

(See Sections 21, 22, 23.)

Know all men by these presents, that we, E. F., treasurer of school district number —— of the town of ———, and L. M., his surety, are held and firmly bound unto said school district in the sum of [*here insert a sum of double the amount to come into the treasurer's hands as near as can be ascertained*] to be paid to the said school district, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this ——— day of ———, A. D. 185—.

The condition of the above obligation is such that if the said E. F., treasurer as aforesaid, shall faithfully discharge the duties of his office as treasurer of said school district, then this obligation shall be void, otherwise of full force and virtue.

Signed, sealed and delivered in presence of R. S. G. H. — E. F. [Seal] L. M. [Seal]

Form of Approval to be indorsed on the Bond of Treasurer.

We approve of the within bond and surety.

[Signed] G. H., Director.
C. D., Clerk.

No. 17.

Form of Contract between District and Teacher.

(See Section 27.)

It is hereby agreed between school district number —— of the town of ———, and L. M., a qualified teacher of the town of ———, that the said L. M. is to teach the common school of said district for the term of ——— for the sum of ——— dollars per

———, [*week or month as the case may be*,] commencing on the —— day of ———, A. D. 185—, and for such services, properly rendered, the said district is to pay to the said L. M. the amount that may be due, according to this contract, on or before the —— day of ———, 185—.

Dated this —— day of ———, 185—.

[Signed] C. D., District Clerk.
L. M., Teacher.

The director or treasurer, or both, are to indorse this contract, as follows:

I [*or we*] consent to the within contract.

G. H., Director, or,
E. F., Treasurer, or both.

No. 18.

Form of Annual Report of the Clerk of a School District to Town Superintendent.

(See Section 30.)

Annual Report of the clerk of school district No. ——, of the town of ———, for the year ending August 31st, 185 .

No. of male children residing in district over the age of four, and under the age of twenty years, .	26	
No. of female children residing in district over the age of four, and under the age of twenty years, .	24	
Total number of children residing in district over the age of four, and under the age of 20 years, .		50
No. of children over four and under twenty years of age, who have attended school, . . .	45	
No. of children under four years of age who have attended school, ...	3	
No. of children over twenty years of age who have attended school, ...	4	
Total number who have attended school during the year, ...		52

No. of months a school has been taught by Mr. ——, a qualified teacher, ...		4	
No. of months a school has been taught by Miss ——, a qualified teacher, ...		3	
Total number of months a school has been taught by a qualified teacher, ...			7
Wages per month paid Mr. ———, . . .	$15 50		
Wages per month paid Miss ———, . . .	8 50		
Average number of months scholars over the age of four and under the age of twenty years, have attended school during the year, . . .		6	
Amount of *school money* received from the town superintendent within the year, . .	$67 50		
Amount of *library money* received from town superintendent within the year, . .	7 50		
Total amount received from town superintendent, ———		$75 00	
Amount raised by tax for teachers' wages, . .	20 00		
" " fuel, . . .	10 00		
" " black board and maps,	20 00		
" " building school house,	250 00		
" " library books, .	00 00		
[*Here state the amount raised for any other purpose allowed by law.*]			
Total amount raised by tax during the year, . ———		300 00	
Amount received from other sources, . .	00 00		
Total amount in treasury during the year, .		375 00	
Amount expended for teachers' wages, . .	87 50		
" " fuel, . . .	10 00		
" " building school house, .	250 00		
" " black board and maps, .	20 00		
" " library books, . .	7 50		
Total amount of expenditures, . . .	375 00		
Amount remaining unexpended, . .	00 00		
———		375 00	

Total amount of district debts at date of report, .	8 50	
Amount due to district from unpaid taxes at date of report, ...	8 50	
Amount of library fines collected, . .		3 50
Amount of library fines expended in repairing and replacing books, ...	3 00	
Amount of library fines unexpended, . .	50	3 50
Whole number of volumes in library, . .	150	
" " purchased during the year, .	12	
" " presented during the year, .	6	
" " loaned during the year [*counting each volume one for each time it is loaned,*]	120	

The text books used in schools are as follows:

Spelling books—Vaughan's, Swan's, &c.
Reading books—Sander's, Parker's.
Geography—Mitchell's, Smith's.
Arithmetic—Ray's, Davies', Perkins'.
Grammar—Greene's Elements of English Grammar.
" McElligot's Young Analyzer.

School house. [*State whether it is a log, brick, stone or framed.*]
Value of school house, . . . $250 00
Site [*more or less*] than one acre.
Inclosed, *or* not inclosed.
School has [*one*] black board.
[*One*] set of out line maps.

I hereby certify that the above is a correct statement of the facts required to be reported; that a common school has been taught in this district, during the past year, for [*seven*] months, by a qualified teacher, and that the library regulations have been complied with.

[Signed] C. D.,
Clerk of school district No. ——,
of the town of ———.

Dated at ———, September 1st, 185—.

No. 19.

Form of School Register to be kept by Teacher.

(See Section 32.)

Register of the common school of school district No. —— of the town of ——, for the term of *three* months, commencing on the *first* day of May, 185—, by —— ——, teacher:

Names of scholars attending school.	Years of age.	*Studies.* Orthography.	Reading.	Writing.	Eng. Grammar.	Geography.	Mental Arithmetic.	Written Arith.	*Attendance of Scholars.* May. 1	2	3	4	5	6	8	9	June. 1	2	3	5	6	7	8	9	July.
HENRY ROYS..	10	1	1	1		1	1		-	-	-	-	-	-	†	-	-	-	-	-	-	-	-	-	
WILLIAM RAY	11	1	1	1		1	1		-	-	†	-	-	-	-	-	-	-	-	-	-	-	-	-	
JOHN CHASE....	9	1	1	1		1	1		-	-	†	-	-	-	-	-	-	-	-	-	-	-	-	-	
OSSIAN DODGE	14	1	1	1	1	1		1	-	-	†	-	-	-	-	-	-	-	-	-	-	-	-	-	
CH'S BATEMAN	12	1	1	1			1		-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	
MARY LEE...	15	1	1	1	1	1		1	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	
FANNY LANE...	8	1	1			1	1		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
JULIA RAY...	13	1	1	1	1	1		1									-	-	-	-	-	-	-	-	

[Signed] L. M., Teacher.

Note.—The studies which the different scholars pursue are indicated by the figure 1 opposite the name of the scholar, and under the appropriate heading. The daily attendance of the scholars is indicated by a horizontal mark - opposite the name, and under the date in the heading. If absent, no mark will be made, and if present but half of a day a cross, † may be made. Thus will the names, ages and studies of all the scholars, and their daily attendance and absence, be presented at one view, in a convenient manner.

No. 20.

Form of Statement of the Amount of Taxes voted to be raised in a School District, to be delivered by the District Clerk to the Town Clerk.

(See Section 33.)

To R. S., Town Clerk of the town of ——:

The amount of taxes voted to be raised in school district No. —— of the town of ——, at the last annual meeting of said

district, held on the —— day of September, 185—, is [*write the amount in words*] dollars; which amount you are requested to assess upon the taxable property therein.

The following is a list of the names of the persons and corporations liable to a school district tax in said district: [*Here insert the names of the persons and corporations.*]

Dated this —— day of ———, 185 .

[Signed] C. D.,
Clerk of school district No. ——
of the town of ———.

Note.—If the district has been lately organized and a tax was voted at the first meeting, as well as at the annual meeting, that should be stated, giving, however, the whole amount of tax voted to be raised.

STATE OF WISCONSIN, }
County of } ss.

C. D., being duly sworn, on oath says, that he is the clerk of school district No. —— of the town of ———, and that the above statement by him made of the amount of taxes voted to be raised in said school district, and the list of persons and corporations liable to a school district tax therein, are true.

[Signed] C. D.

Sworn to and subscribed before me this —— day of ——, 185 .

[Signed] J. P., Justice of the Peace.

No. 21.

Form of Statement of the amount of Taxes voted to be raised in a joint District, to be delivered to the Clerk of each Town in which any part of the District is situated.

(See Section 33.)

To R. S., town clerk of the town of ——— :

The amount of taxes voted to be raised in joint school district No. ——, of the towns of ——— and ———, at the last annual meeting of said district, held on the —— day of September,

185 , is [*Write the amount in words*] dollars; and the proportion of that amount to be raised in that part of said district, which lies in the town of ———, is [*Write the amount in words,*] dollars, which you are requested to assess upon the taxable property therein.

The following is a list of the names of the persons and corporations liable to a school district tax in that part of the district lying within the town of ———. [*Here insert the names of the persons and corporations.*

[Signed] C. D.,
Clerk of joint school district,
No. ——, of the towns of
———, and ———.

Note.—Attach affidavit of the district clerk similar to the one given in Form No. 20.

No. 22.

Form of Deed for the purchase of a School House site.

(See Section 36.)

Know all men by these presents, that A. B. (*and C. B., his wife, if married,*) of the town of ———, in the county of ———, in the State of Wisconsin, party of the first part, for and in consideration of the sum of —— dollars, to them in hand paid by the district board of "School district No. ——, of the town of ——," county of ———, and state aforesaid, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the said school district, party of the second part, and their assigns, the following described piece or parcel of land, namely:

(*Here insert description of land.*)

Together with all the privileges and appurtenances thereunto belonging. To have and to hold the same to the said party of the second part, and their assigns, for ever; and the said party of the first part, for themselves, their heirs, executors and administrators, do covenant, bargain and agree, to and with the said party of the

second part, and their assigns, that at the time of the ensealing and delivery of these presents, they were well seized of the premises above conveyed, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law in fee simple, and that the said lands and premises are free from all incumbrances whatever; and that the above bargained premises, in the quiet and peaceable possession of the said party of the second part, and their assigns, against all and every person or persons lawfully claiming, or to claim, the whole or any part thereof, the said party of the first part will forever warrant and defend.

In witness whereof, the said A. B and C. B., his wife, party of the first part, have hereunto set their hands and seals, this —— day of ———, A. D. 18 ——.

A. B. [SEAL.]
C. B. [SEAL.]

Signed, sealed and delivered
in presence of
E. F.
G. H.

Note.—Such deed should be duly acknowledged and recorded.

No. 23.

Form of a Lease.

(See Section 36.)

Know all men by these presents, that A. B. of the town of ——, in the county of ——, in the state of Wisconsin, of the first part, for the consideration herein mentioned, does hereby lease unto "school district No. — of the town of ——," county of ——, in the state aforesaid, party of the second part, and their assigns, the following described parcel of land:

[*Here insert description of land.*]

Together with all the privileges and appurtenances thereunto belonging. To have and to hold the same for and during the term of —— years from the —— day of ——, A. D., 185 ; and the

said party of the second part for themselves and their assigns, do covenant and agree to pay the said party of the first part for said premises the annual rent of —— dollars.

In testimony whereof, the said parties have hereunto set their hands and seals, this —— day of ——, A. D. 18 .

A. B. [Lessor] [Seal]

C. D., E. F., G. H., } District board of school district No. — of the town of ——.

No. 24.

Form of an Appointment to fill a Vacancy in the District Board.

(See Section 38.)

To A. B—:

The office of [*clerk*] of school district No. — of the town of ——, having become vacant, you are hereby appointed to fill such vacancy until the next annual meeting in said district.

Dated this —— day of ——, 185 .

[Signed] G. H., Director.
E. F., Treasurer.

Note.—It requires two of the board to make an appointment. If they neglect, for ten days, to fill the vacancy, it must be done by the town superintendent, after the following form. In either case the appointment must be filed with the district clerk:

To A. B.:

The office of [*clerk*] of school district No. — of the town of ——, having become vacant, and the district board of said district having failed to fill the same within ten days, you are hereby appointed to fill such vacancy until the next annual meeting of said district.

[Signed] A. B.,
Town Superintendent of schools
of the town of ——.

No. 25.

Form of Annual Report of Town Superintendent.

(See Section 44.)

To the Clerk of the Board of Supervisors of the county of ——:

Annual Report of the town superintendent of schools of the town of ——, in the county of ——, for the year ending on the 31st day of August, A. D. 185 :

No. of school districts separately set off within the town, .	6
No. of parts of joint districts in said town, . . .	2
No. of parts of joint districts in which the school house of such districts is situated within this town, . .	1
No. of districts from which reports have been received between the 1st and 15th of September, . . .	6
No. of parts of districts from which reports have been received between the 1st and 15th of September, . .	2
No. of months school has been taught in each of said districts and parts of districts, as follows:	
In school district No. 1, (by a qualified teacher three months,	6
In school district No 2, by a qualified teacher, . .	5
" " 3, " " . .	4
" " 4, " " . .	3
" " 5, " " . .	5
" " 6, " " . .	8
In joint school district No. 7, a part of which is in this town,	3
" " 8, " " . .	3

Amount of public money* received in each of such districts and parts of districts, as follows :—

In district No. 1, ...	$40
" 2, ...	42
" 3, ...	35
" 4, ...	30
" 5, ...	38
" 6, ...	42
In part of joint district No. 7, in said town, . .	10
" " 8, " . . .	12

*By *public money* is meant the money that is received from the state and town.

No. of children residing in each district and part of district, on the 31st day of August last, over the age of four, and under the age of twenty years, as follows:—

In district No. 1,	. . .	40
" " 2,	. . .	42
" " 3,	. . .	38
" " 4,	. . .	35
" " 5,	. . .	30
" " 6,	. . .	42
In part of district " No. 7, in said town,	.	10
" " " " 8, "	.	12

No. of *male* children residing in all of said districts and parts of districts, on the 31st day of August, over the age of four years, and under the age of twenty years, . 130

No. of *female* children residing in all of said districts and parts of districts, on the 31st day of August last, over the age of four and under the age of twenty years, . . 119

Whole No. of children residing in town over the age of four, and under the age of twenty years, on the 31st day of August last, ... 249

Total No. of children over four and under twenty years of age, who have attended school in said town, . . 245

No. of children taught in all of said districts and parts of districts, *under* the age of four years, . . . 6

No. of children taught in all of said districts and parts of districts, *over* the age of twenty years, . . . 15

Average No. of months children between four and twenty years of age have attended school in said town, . 5

Average number of months schools have been taught by male teachers, ... 4

Average number of months schools have been taught by female teachers, ... 3

Average amount of wages per month paid to male teachers, ... $16

Average amount of wages per month paid to female teachers, ... $9

Whole amount of money received and apportioned by me (*and predecessor in office, if any,*) since the date of the last annual report, ... $

Of such amount there has been received from the county treasurer, (state fund,) . . . . . $

Of such amount there has been received from the town treasurer, (town tax,) . . . . . $

The manner in which such money has been expended is as follows:

For teachers' wages, the sum of . . . . $

For libraries, the sum of . . . . $

For (*if for any other purpose specify the same,*) . . $

There remains unexpended (*state for what cause*) the sum of $

The amount raised by tax and expended in said districts, from which reports have been received by me (and predecessor in office) since the date of the last annual report, is as follows:

For teachers' wages, ... $

For purchasing school house site, ... $

For building, hiring, purchasing, repairing and insuring school houses, (*specify the amount for each.*) . . $

For fuel, ... $

For district libraries, ... $

For (*any other purpose allowed by law,*) . . . $

The text books most used in the schools of said districts, are as follows:

Spelling books—

Reading books—

Geography—

Arithmetic—

Grammar—

The school houses in said districts are constructed of materials as follows:

Of stone 1; of brick 1; of logs 1; framed 4.

Whole valuation of said school houses . . . $

Highest valuation of any school house, . . . $

Lowest valuation of any school house, . . .	$
No. of school house sites containing less than one acre, .	7
" " " " not inclosed, . . .	4
No. of schools without blackboard, . . .	3
" " " outline maps, . . .	5
No. of select and private schools in said town, other than incorporated academies, ...	2
Average number of persons attending all such schools during the past year, as near as can be ascertained, .	80
No. of district libraries in town, ...	5
No. of joint libraries, ...	1
Total number of volumes in all the libraries, . .	520
No. of volumes purchased during the year, . .	60
" " presented " " . . .	20
No. of volumes loaned out during the year, [*counting each volume one for each time it is loaned,*] . . .	
Amount of library fines collected, ...	$
" " " expended, ...	$
" " " remaining unexpended, . .	$
" " money " " . .	$

[Signed] A. B.,
Town Superintendent of schools
of the town of ——.

Dated at ——, this —— day of ——, 185 .

No. 26.

Form of a Certificate to be given to a Teacher.

(See Section 54.)

I do hereby certify, that I have examined A. B. and do believe that he (*or she*) is qualified in regard to moral character, learning, and ability to teach a common school in this town for one year from the date hereof.

Given under my hand, this —— day of ——, A. D. 185 .

[Signed] A. B.,
Town Superintendent of schools
of the town of ——.

No. 27.

Form of Note annulling a Teacher's Certificate.

(See Section 56.)

Having inquired into certain complaints against A. B., heretofore licensed by certificate as a teacher of common schools in the town of ———, and being of the opinion that the said A. B. does not possess the requisite qualification as a teacher, in respect to moral character, [or "in respect to learning;" or "in respect to ability in teaching," as the case may be,] and having given at least ten days previous notice in writing, to said teacher, and to the district board of the district in which said teacher is employed, of my intention so to do, I have annulled, and hereby do annul the said certificate and license, so granted as aforesaid.

Given under my hand, this —— day of ——, 185 .

[Signed] C. D.,
Town Superintendent of schools
for the town of ——.

No. 28.

Form of Notice to be given to District Clerk when alteration of the boundaries of a District is contemplated.

(See Section 60.)

To C. D., clerk of school district No. —— of the town of ——:

You will take notice that I shall be present at [*here mention the place*] on the —— day of ——, 185 , at — o'clock in the afternoon, to hear and decide upon certain proposed alterations of the boundaries of said school district.

Dated this —— day of ——, 185 .

[Signed] A. B.,
Town Superintendent of schools
of the town of ——.

Note.—In case of a joint district the superintendent of the town in which the school house is situated will give the notice required to the clerk of that district; and each superintendent will give notice to the clerk of any district in his town to be affected by the proposed alteration. The clerk will immediately notify the other members of the board, by giving them a copy of the notice served on him.

No. 29.

Form of Notice of alteration of the boundaries of a School District, when the District Board refuse to give their consent.

[See Section 61.]

To C. D., clerk of school district No. ——, of the town of ——— :

I have made an alteration in the boundaries of school district No. ——, of the town of ———, as is shown by the following order by me made on the —— day of ———, 185 , [*Here copy the order making the alteration,*] which will take effect three months from the filing of this notice.

[Signed] A. B.,
Town Superintendent of Schools
of the town of ———.

Note.—If the district board indorse their consent upon the order making the alteration, no further notice need be given than to file the order, so indorsed, with the district clerk.

No. 30.

Form of Order of Town Superintendent in awarding proportion of value of Property to new District.

[See Sections 62, 63 and 64.]

To the district board of school district No. —, of the town of ———.

Having formed a new school district, No. ——, of the town of ———, in part [*or wholly*] from the territory of your district, I have ascertained and determined the proportion of value of the school house and other property justly due to such new district from your district, retaining such school house and other property to be —— dollars. You are, therefore, to raise and collect by tax upon the taxable property of your district the said sum of ——

dollars, and when collected pay the same to the treasurer of said new district.

Given under my hand, this —— day of ———, 185 .

A. B.,
Town Superintendent of Schools
of the town of ———.

No. 31.

Form of order altering the boundaries of a School District.

[See Section 60.]

It is hereby ordered and determined that the (north half of the north-east quarter of section No. ten, of town seven north, of range six west,) now a part of school district No. ——, of the town of ———, be, and hereby is taken from said school district, and attached to and made a part of school district, No. —— of said town, for all purposes whatsoever.

This order will take effect on the —— day of ———, 185 .

Given under my hand this —— day of ———, 185 .

A. B.,
Town Superintendent of Schools
of the town of ———.

The consent of the district board should be indorsed as follows:

We hereby consent to the alteration made in school district No. ——, of the town of ———, agreeably to the within order of the town superintendent of said town.

Dated, &c. G. H., Director, E. F., Treasurer, C. D., Clerk } Of said school district No. —, of the town of ——.

Note.—The board of each district affected by the alteration, should indorse their consent on the order.

No. 32.

Form of Bond of Town Superintendent.

(See Section 42.)

Know all men by these presents, that we, A. B., town superintendent of schools of the town of ———, in the county of ———, and C. D. and E. F., his sureties, are held and firmly bound unto the chairman of supervisors of said town, in the sum of (here insert double the amount of all school money to come into his hands during the term of his office,) to the payment of which sum well and truly to be made to the said chairman of supervisors, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this —— day of ——— 185 .

The condition of this obligation is such, that if the said A. B., town superintendent of said town of ———, shall faithfully apply and legally disburse all school money that may come into his hands, according to law, as town superintendent of said town of ———, during the term of his office, and shall faithfully discharge all the duties of his office, then this obligation shall be void, otherwise shall remain in full force and virtue.

A. B., [L. S.]
C. D., [L. S.]
E. F., [L. S.]

Signed, sealed and delivered in the presence of

This bond should be indorsed as follows:

I approve the within bond and sureties,

[Signed] G. H.,
Chairman of Supervisors,
of the town of ———.

No. 33.

Annual Report of the Clerk of the Board of Supervisors of _____ *County to the State Superintendent, dated November* 10*th*, 185 .

[See Section 72.]

NAMES OF TOWNS.	No. of school districts.	No. of school districts which have not reported.	No. of parts of districts.	No. of parts of districts which have not reported.	No. of school houses in joint districts.	Average No. of months schools have been taught.	No. of male children residing in town over four and under twenty years of age.	No. of female children residing in town over four and under twenty years of age.	Total No. of children residing in town over four and under twenty years of age.	No. of children over four and under twenty years of age who have attended school.	No. of children under four years of age who have attended school.	No. of children over twenty years of age who have attended school.	Average No. of months children between four and twenty years of age have attended school.	Average No. of months schools have been taught by a male teacher.	Average No. of months schools have been taught by a female teacher.	Average amount of wages per month paid to male teachers.	Average amount of wages per month paid to female teachers.	Amount of money received from county treasurer.	Amount of money received from town treasurer.	Amount received from other sources.	Total amount of money received.	Amount of public money paid for teachers' wages.	Amount of public money expended for libraries.
A.																							
B.																							
C.																							
D.																							
E.																							
F.																							

*Report continued. County of*_____

	NAMES OF TOWNS.
A.	Amount of public money expended for other purposes.
B.	Amount remaining unexpended.
C.	Amount raised by tax and expended for teachers' wages.
D.	Amount of money raised by tax and expended for district libraries.
E.	Amount of money raised by tax & expended on school houses.
F.	Amount of money raised by tax and expended for fuel and other purposes.
	Names of authors of spelling books most used in schools.
	Names of authors of reading books most used in schools.
	Names of authors of geographies most used in schools.
	Names of authors of arithmetics most used in schools.
	Names of authors of grammars most used in schools.
	No. of brick school houses.
	No. of stone school houses.
	No. of framed school houses.
	No. of log school houses.
	Total valuation of school houses.
	Highest valuation of any school house.
	Lowest valuation of any school house.
	No. of school house sites containing less than one acre.
	No. of school house sites unincloses.
	No. of schools without a black board.
	No. of schools without outline maps.
	No. of district libraries.
	No. of joint libraries.
	No. of volumes in all the libraries.
	No. of volumes loaned during the year.
	Amount of library fines collected.
	Amount of library fines expended.
	Amount of library fines unexpended.
	No. of select & private schools other than incorp'd academies.
	Average No. of pupils attending such schools during the year.
	No. of incorporated academies in the county.
	Average No. of pupils attending such acad's during the year.

DIGEST OF DECISIONS.

APPORTIONMENT OF SCHOOL MONEY.

Town superintendents must be governed by the reports of the district clerk, in apportioning school moneys; but a mere clerical error may be corrected after such reports have been made to the town superintendent and before he makes his return to the clerk of the board of supervisors. He can not try the truth of the clerk's certificate; if willfully false the law prescribes the penalty.

In case of a joint school district the town superintendent of each town, in which any part of such district is situated, will apportion school moneys to such district according to the number of children reported to him as residing in that part of the district lying in his town, without regard to the amount raised in the other towns for school purposes.

It is the duty of the town superintendent to apply to the town and county treasurer for the school money as soon as the same is payable; and to apportion such money immediately after it is received by him, among the several districts of his town which have complied with the law.

The town superintendent can not legally apportion any school money to a district in which a common school was not taught by a qualified teacher for three months during the year ending on the 31st of August last previous to such apportionment.

A district which is not entitled to an apportionment of school money can not receive library money, notwithstanding it may have complied with the laws and regulations concerning district libraries.

The law provides that the town superintendent shall not apportion school money to a district which has not expended, for the payment of teachers' wages, all school moneys received from the school fund during the year ending at the date of the last previous annual report. This is to be understood with some qualifications, and vests in the town superintendent the exercise of a sound discretion. It is the intention of the constitution and laws of the state to grant aid to every district for the

support of common schools, where all the children of the district may receive instruction and participate in the benefits of our free school system. But this aid is granted upon the condition that a common school shall be maintained at least three months in each year, and that the money previously received by the district has been expended as the law above cited requires.

The object of this provision is to prevent the use of money received from the school fund for any *other purpose* than the payment of teachers' wages, and not that every cent of such money shall be expended by a particular day. Should there be a small surplus in the district treasury at the date of the annual report, or a larger sum, that, by vote of the district, had been set apart for the payment of the wages of the teacher of the then approaching winter school, there is no good reason why the town superintendent should withhold an apportionment from such district, as it is acting in good faith with the state, and has in spirit complied with the law. But the town superintendent must not suffer money derived from the school fund to accumulate in the treasury of a school district; and he can not apportion money to a district that has used any portion of such money for other purposes than the payment of teachers' wages.

As different constructions have been given to the words "school moneys received from the school fund," as applied to school districts, it may be proper to state that they mean that portion of the school money of each district received by apportionment from the town superintendent, which is derived from the income of the school fund annually apportioned by the state superintendent to the several towns and cities of the state.

The town superintendent is not authorized to apportion money to a district, where any other officer than the district clerk made and signed the annual report, as there is no responsibility or penalty incurred for false statements in a report made by any other than the district clerk.

ALTERATIONS OF SCHOOL DISTRICTS.

The state superintendent has no power to form or alter school districts, except on appeal from the town superintendent who refuses so to do.

Joint school districts are those that are composed of parts of two or more towns, and they can only be formed and subsequently altered by the joint action of the town superintendents of each of the towns in which such districts are situated.

Whenever an alteration of the boundaries of a school district is made without the consent of the district board, and the three months, after notice given to such board, shall expire between the first day of December and the first day of April following, such alteration will not take effect until the said first day of April.

All parts of a joint district should have the same number, and that number should differ from that of any whole district in either of the towns out of which such district is formed.

Whenever, by a change in the boundaries of a town, the town line passes through a school district, such district becomes a joint district by operation of law, and can only be altered in the same manner as districts that were originally formed as joint districts.

A joint school district, in all cases except in its formation and alteration, is within the jurisdiction and under the supervision of the town superintendent of the town in which the school house of such district is situated.

The law only provides for the division of the property of a district in cases where a *new* district is formed from one or more districts possessed of a school house and other property, &c.; and the proportion of the value of such property to which the new district is entitled should be ascertained and awarded at the time of making the order forming the new district. The neglect of the town superintendent to make such award does not extinguish the claim of the new district upon the old, for its just proportion of the value of such property.

But if the board refuse to give their consent to the alteration, thereby postponing, for the term of three months, the time when the alteration will take effect, the award should be made at the time such order takes effect, and based upon the property owned by the district at that time.

Whenever a portion of the territory of one district is annexed to another existing district, the consent of a majority of the district board of each district must be procured to make the act immediately operative. Or, in other words, in all cases of alteration in the boundaries of a school district, the consent of a majority of the district board of each district that will be affected by such alteration, must be obtained, or the alteration will not take effect until the expiration of three months.

Alterations of the boundaries of school districts may be made between the first day of December and the first of April, to take effect on or subsequent to the first of April. It is, however, advisable, as a general rule,

that new districts should be formed and the boundaries of organized districts changed, only when such formation or change is required to take effect at once.

In the formation and alteration of a school district, no appeal can be taken from the acts of the town superintendent to a board to be composed of the said officer, the chairman of the town supervisors and the town clerk. The law does not authorize such a proceeding; but the district board of any district to be affected by any alteration proposed by the town superintendent, may apply, in the first instance, to such officers to be associated with the superintendent, and the concurrence of a majority of such board, when so constituted, is necessary before any alteration can be made. All appeals from the action of the town superintendent must be made directly to the state superintendent. Appeals may be taken from the action of the board above mentioned, to the state superintendent either for altering or refusing to alter school districts.

CERTIFICATES OF TEACHERS—ANNULLING CERTIFICATES.

The law confers no power on the state superintendent to grant certificates of qualification to teachers of common schools.

A certificate of qualification should not be granted to a person who can not teach in English, as the law provides that the branches required to be taught in district schools shall be taught in the English language.

It is not required of a town superintendent to advertise at what time and place he will be present to examine applicants for teachers' certificates, though such a course in many towns may be desirable. He is simply required to examine those who apply to him for a certificate.

No person is a *qualified* teacher within the meaning of the law, unless possessed of a certificate of qualification, in the form prescribed by the state superintendent, from the town superintendent of the town where the school house in which he is teaching is situated.

Certificates of qualification of teachers should bear date on the day of examination, and cannot be *ante* dated. All certificates remain in force for one year, unless sooner annulled.

The certificate of a teacher may be annulled without a re-examination, if, after due notice given, such teacher refuses a re-examination.

If a teacher's certificate is annulled, the district board are at liberty to rescind the contract and dismiss him.

But if they continue him in school, after notice that his certificate has

been annulled, it will be regarded as such a continuance of the contract, that they will not be allowed to object to the payment of wages for the full time he taught the school.

A practice prevails to a great extent, in many instances causing serious difficulty, of hiring teachers who have not a certificate of qualification from the town superintendent.

The law does not authorize the clerk to hire any but *qualified* teachers, and any contract thus made imposes no obligation upon the district to pay the wages of such teacher ; and the board, so acting, render themselves individually liable for the amount. In all cases, without any exception, the clerk should refuse to enter into contract with a teacher until a certificate has been obtained.

DISTRICT OFFICERS.

If a school district neglects or refuses to elect district officers, the officers chosen the year previous hold over.

District officers may be legally chosen *viva voce*, or by ballot, or in any other mode determined upon by the meeting, as the law does not specify the mode of election. The fact that officers are elected, and so declared, by either mode, without any express resolution previously adopted, directing the mode of electing officers, implies a consent to the manner of election by which they were actually chosen. A majority of the votes cast is requisite to the choice of district officers. But the correct mode of electing officers, is by ballot, and no school district should depart from it.

The refusal of a district officer to perform his prescribed duties vacates his office, and the vacancy may be filled as provided by law.

The district board have no authority to levy a tax without a vote of the district.

The district board can not discharge a teacher who has performed his duties according to contract, without incurring the liability on the part of the district, of paying the teacher for the whole time he contracted to teach.

The district board have authority to employ a teacher for three months without the direction of a vote of a district meeting.

The clerk is required by law to contract with and hire qualified teachers for and in the name of the district, but the contract is not binding upon the district, unless the consent of either the director or treasurer is

indorsed thereon. The law does not require these last named officers, or either of them, to sign the contract, as a matter of course, or of mere form ; but a discretion is left them to consent or not, as the best interests of the district may to them seem to require.

The power to determine what text books shall be used in the several branches taught in district schools, is vested solely in the district board. The district board has also power to determine what branches shall be taught other than those required by law.

In many school districts it is the practice of the district board to engage a teacher with the understanding that he shall board with the parents of the children attending school proportionably to the number sent. There is no authority for such a contract, and it cannot be enforced on the inhabitants. If by mutual and general consent, such a course is sanctioned and adopted by the inhabitants of a district, it will have the effect to lighten the burden of taxation, and prove otherwise agreeable. If this is not done, there is no other way than to contract to pay the teacher a specified sum per month, or term, and let him board himself; and if the public money is insufficient to pay the teacher, the balance must be assessed and collected upon the taxable property of the district like other taxes.

The duties of the office of district clerk and teacher of the school of the same district, are incompatible. The clerk is the agent of the district, and one of the board, to employ a teacher ; and while acting in that capacity cannot act as teacher, as he would have to enter into contract with himself, determine his own wages, and draw orders for the payment thereof, and do other things which are inconsistent, not to say illegal. If the district clerk desires to teach the school of his district, he should resign, and have some one appointed to fill his place.

DISTRICT BOARD.

When any portion of the school money is applied to the payment of the wages of a teacher not duly qualified, or is otherwise illegally appropriated, the district board making such unauthorized expenditure are personally liable to the district for the amount.

Although a scholar has a legal right to attend the school of the district in which he is a resident, his own conduct may deprive him of that right. If his behavior is disorderly and uncontrollable, and he persists in a violation of the discipline and regulations of the school, after all legal and

proper means have been exhausted on the part of the teacher to secure his reformation, the teacher should submit the facts to the district board; and if their intercession proves unavailing, they should expel him from school. For it is better that one should be expelled than the usefulness of the school destroyed. A teacher has no authority to expel a scholar. A scholar who has been expelled can only be re-admitted on satisfactory evidence presented to the district board of a determination on his part to comply with all reasonable regulations of the school.

The law provides that "the district board shall have the care and keeping of the school house and other property belonging to the district," and the question arises as to the extent of the power conferred by this provision, and to what uses the school house should be confined by the district board. The general principle applicable to cases arising under this provision, is this: that it is the duty of the board to exercise such general supervision over the care and management of the district school house, as that the instruction of the pupils in the school shall not be embarrassed by any use of the house other than for school purposes; and that the property of the district, and the furniture, apparatus, books and papers belonging to the school, or the pupils, shall not be injured or destroyed. Any use of the house in subordination to these restrictions, and not inconsistent with the main purposes for which it was designed, must be left to the determination and pleasure of those to whom it belongs, whose wishes and directions, in this respect, the district board are bound to carry out. The school house is the property of the district, and subject to its control, within the limitations of the law. The purpose for which it was erected must be pursued, and nothing can be suffered to interfere with that. But when that purpose is accomplished, there is neither reason nor law for prohibiting its application to any object of social or moral improvement which a majority of the voters of the district may sanction. Upon this principle, and subject to the restrictions and limitations referred to, it may be used, out of school hours, and when not wanted for any district purposes, for lectures, debating societies, religious meetings, or any other moral, literary or useful purpose, with the approbation of a majority of the district. The district board are responsible for any damage the school house may receive while being used, for purposes not authorized by the district, by their consent.

SCHOOL MONEYS, &C.

The amount of *all* expenditures incurred by a school district for any purpose authorized by law, over and above what is satisfied by the amount of school money apportioned to it, must be raised by tax upon the taxable property of the district; and each contemplated item of expenditure should be specifically stated in the resolution adopted by the meeting sanctioning such expenditures.

When the whole amount of tax raised for a specific purpose is not required for that purpose the balance may be used for such other legal object as the district may direct.

Money raised and collected in any town for school purposes, should not be paid over to the county treasurer, but retained by the town treasurer, and paid by him to the town superintendent on application.

No more money can be legally expended in the erection or repair of a school house than is necessary for common school purposes. A school house should be built solely with reference to the object for which it is intended, and to the convenience and comfort of scholars and teachers. The law empowering school districts to raise a tax to build a school house, does not contemplate that they should have power to tax the people to build a church.

SCHOOL DISTRICTS.

By statute, every common school district, organized in pursuance of the school law, is made a body corporate with powers specifically defined, beyond which they cannot go. And as they are "creatures of law established for special purposes, and derive all their power from the acts creating them, it is perfectly just and proper that they should be obliged strictly to show their authority for the business they assume, and be confined in their operations to the mode and manner, and subject matter prescribed." Hence, a district cannot borrow money on its faith and credit, as no authority is granted to school districts for that purpose. Provision is made by law for levying and collecting taxes sufficient to pay necessary current expenses, as it was not contemplated by the law that school districts should incur debts.

DISTRICT MEETINGS.

School district meetings are authorized to "alter, repeal and modify their proceedings as occasion may require." This is to be understood as

granting only a conditional power; for whenever contracts have been actually entered into, liabilities incurred, or expenditures of money made, in the prosecution of any measure directed by the district, a repeal, alteration or modification of such measure will not be sanctioned, as no means exist to indemnify those who may be losers thereby. When district officers have been legally elected at any district meeting, neither that nor any subsequent meeting have any power to reconsider or rescind the vote, whether by ballot or otherwise, by which such officers were chosen. A district officer, when elected, cannot be deposed by a vote of a district meeting.

A tax cannot be voted for arrearages generally, or to reimburse district officers for moneys expended by them, unless it appears by the vote, that the money is to be applied to the objects for which taxes may be raised.

When the voters of a school district have by a vote to that effect, authorized the district board to make repairs upon the school house, or to do any other lawful acts involving an expenditure of money, they will be required to save the district officers harmless if the latter have acted in good faith.

The voters of a district may legally vote a tax to enlarge their school house, notwithstanding it may have already cost $300, without a certificate from the town superintendent.

A school house built by subscription may, if under the control of the district board, be kept in repair by a tax upon the taxable property of the district.

The voters of a school district cannot, by a vote to that effect, direct that the requisite *fuel* shall be provided by those persons sending children to school, in proportion to their attendance, as no such vote can be enforced. The inhabitants may *voluntarily* contribute their proportion of fuel, which will of course lessen the amount of taxes to be raised; but if they do not, the district board are required to furnish fuel, to be paid for by a tax levied upon the taxable property of the district.

DISTRICT SCHOOLS—WHO MAY ATTEND—TEACHER, &C.

Every person over four and under twenty years of age has a legal right to attend the common school of the district in which he resides, free of charge; but has no legal right to attend the school of any other district.

The district board of any district have a right to exclude from their school, children not residing therein ; provided no directions to the contrary have been given by a meeting of the district. Such officers may permit children residing in another district to attend their school ; but this should never be done if opposed by a majority of the voters, or if it will in any way tend to discommode the scholars who have a legal right there.

The object of the district board should be, in the first place, to secure, as far as possible, every advantage and facility to the children of their own district for partaking of the benefits of the school. When that is done, scholars from adjoining districts may be admitted, if such admission will not operate to the injury of their own. If children from other districts are admitted, it should be without charge for tuition, as its collection cannot be enforced.

When children are admitted from other districts, the teacher should be consulted, as he contracts to teach the school of a particular district, and not the scholars of other districts.

The residence of children, as a general rule, follows that of their parents or guardians. The fact that a scholar goes from one district into another to reside, for the sole purpose of attending school, does not constitute such a residence as to give him a legal right to attend the school.

Children under four years of age should never be permitted to attend district schools ; and the district board should never object to the admission of persons over twenty years of age to the school of the district in which such persons reside.

The teacher of a school has necessarily the government of it ; and he may prescribe the rules and principles on which such government will be conducted. The district board should not interfere with the discipline of the school except on complaint of misconduct on the part of the teacher ; and they should then, invariably sustain the teacher, unless his conduct has been grossly wrong, lest they do greater injury than has already been done.

The law does not prescribe what punishment may be inflicted by a teacher in the government of a school ; and the practice of inflicting corporeal punishment has no sanction but usage. The teacher is responsible for the maintenance of good order, for without order there can be no proficiency in the school ; and he must be the judge of the degree and nature

of the punishment required, as circumstances arise, always acting dispassionately, and with an earnest desire to do that which will most advance the interest of the school, and the reformation of the offender. But the teacher is liable to the party injured for any *abuse* of a prerogative that is wholly derived from custom.

When a person enters into a contract with a district as teacher, he engages to teach the school seven hours, including the usual intermissions, each day, and no longer, unless particularly specified in the contract; and his authority over the scholars extends only to the school house and playgrounds. For he might with the same propriety be expected to *teach* the scholars beyond the usual time each day as that he should *govern* them beyond that time, while coming to and going from school. It is customary with teachers to make the conduct of their scholars at all times, a subject of inquiry and advice, having a pride in observing proper deportment on their part on all occasions; but they have no authority, nor can they be required, to examine into their conduct out of school hours, and beyond the grounds of the school house.

School money can be applied only to the benefit of such schools as are established by the district board in pursuance of law. A select school established and supported by the patrons thereof, and for their sole benefit, is not a common school within the meaning of the law, and is not entitled to public money. To receive aid from the state the school must be free to all children between four and twenty years of age, and must be under the supervison and control of the legally appointed school officers. No tuition fee can be charged.

When a district school is duly established, free to all children between four and twenty years of age, and is under the control and supervision of the proper school officers, the fact that it is supported by *voluntary* subscription, instead of by tax, does not deprive it of its right to a portion of the public money.

SCHOOL HOUSES.

As the location of school houses, and their interior and exterior arrangements, exert a very important influence upon the discipline and proficiency of schools, and the morals and habits of the scholars, it is thought proper to submit a few suggestions upon the subject, which it is believed, will recommend themselves to the approving consideration of every person interested in the health and comfort of his children, and the credit and prosperity of the schools.

Location of School Houses.—The site of the school house should be in a dry, healthy and sheltered situation, accessible from all parts of the district, and retired from the dust, noise and danger of the highway; the vicinity of places of idle and dissipated resort should be avoided in selecting a site for a school house, as well as places of public business; and if it can be so chosen as to overlook a delightful country and be surrounded by picturesque scenery, it will be increasing the attractions that should always surround it. The site should be sufficiently large to admit of a yard in front of the building common to the whole school, and two yards in the rear, one for each sex, with the necessary out-buildings.

School House.—The school house should present a handsome exterior, and in every respect an inviting and attractive appearance. There should be a separate entrance to the school house for each sex, opening into rooms distinct from each other and from the school room. These rooms should be fitted up with scraper and mats for the feet; with hooks, shelves, &c., for hats, coats, umbrellas, &c.; with sink, basin and towels, and all the means and appliances necessary to secure habits of order and cleanliness.

The School Room.—The school room, in addition to the space required for aisles and the teacher's platform, should be large enough to accommodate, with a seat and desk, every scholar who is entitled to attend the

school, and also to allow at least one hundred and sixty cubic inches to each scholar; so that a room twenty-five feet by thirty, and ten feet in height, is none too large for the healthy and convenient accommodation of forty-five scholars. The room should be well lighted, with windows on the sides of the building, so that the light will not shine directly upon the faces of the scholars, and should be furnished with curtains or blinds. The teacher should have a platform raised a few inches from the floor, and supplied with a desk, situated near the front entrance to the school room.

Seats and Desks.—The seats and desks should be so arranged that all the scholars will sit facing the teacher in his desk; and should be so constructed that but two scholars will occupy one seat and desk, which should be at least three feet eight inches long. Thus no scholar will disturb another by leaving his seat. A separate seat and desk for each scholar would be still better. The height of the seats and desks should be graduated to suit the ages of the different scholars. For a child ten years of age the seat should be about thirteen inches high, and desk twenty-tw inches; width of the seat about eleven inches, and of the desk fourteen inches. For a scholar seventeen years of age the seat should be sixteen inches high and thirteen wide; the derk twenty-eight inches high and eighteen wide. Three inches of the upper surface of the desk should be level, the remainder sloping not more than one inch in a foot, and the edge should be in the same perpendicular line with the front of the seat. The back of the seat should slope about two and a half inches in sixteen.

The room should be properly warmed, and kept at an even temperature of about sixty-eight degrees; and as stoves are mostly used for this purpose, the pipe should be carried as high as possible above the heads of the scholars, to a flue within or next to the wall.

Every school room should be supplied with at least a black board, and three outline maps—one of each hemisphere, and one of the United States. Other maps, charts and apparatus, should be furnished as the wants of the district suggest, and its means will allow. Pictures of persons, or scenes suited to a proper moral effect, are desirable and useful decorations of a school room.

Ventilation of School Room.—It is a well ascertained fact, that the amount of air inhaled by a healthy adult during three hours, is at least seventy-five cubic feet, *and that air once respired will not further*

sustain animal life. Therefore forty-five scholars, during a three hours session of school, would exhaust the vitality of three thousand three hundred and seventy-five cubic feet of air ; and were they kept in an air-tight room, twenty by twenty-four feet, and seven feet in height, and could they breathe the pure air until it is all once respired, they would all die before the expiration of three hours. Such a condition of things cannot well exist, but there are cases of approximation to it, and this is given as an instance, to show the necessity of large rooms, high ceilings, and proper ventilation. For air once respired, mixes with and vitiates the pure air remaining in the room, rendering its repeated inhalation unhealthy and injurious, enervating both body and mind, and rendering both teacher and scholars unfit to pursue the object for which they are assembled. Proper means for ventilation should be provided in all school rooms for the escape of the foul air and admission of pure air, and should be regarded as of primary importance in the construction of a school house. This may be done by constructing the windows so that the upper sash can be lowered, and by an opening, at least one foot in diameter, near the ceiling, into a flue which leads into the open air.

If the ventilating flue can be carried up close beside or within the smoke flue, the warmth of the latter during the season when a fire is necessary, will materially aid the escape of foul air. Fresh air may be supplied by an opening in the floor under the stove, supplied with a tube leading beneath the floor, through the outside wall of the building.

In conclusion, it may be observed, that the harmony and good feeling that should exist in school districts and communities in relation to common schools, and the generous support that should be given to our free school system, depends much upon the enlightened zeal with which district officers and town superintendents fulfill the delicate and responsible trusts confided in them by the people. School officers are the agents of the people in carrying out and effectuating the great republican principle of free schools ; and it is hoped that the happy effect thus far experienced by the administration of this system, will not be suffered to decline in interest with the people, or usefulness to the children dependent upon it for an education, through indifference or omission of duty on their part.

H. A. WRIGHT,
State Superintendent.

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LAWS

OF THE

STATE OF WISCONSIN,

RELATING TO

COMMON SCHOOLS;

WITH

REGULATIONS FOR APPEALS, LIBRARIES, etc., INSTRUCTIONS FOR SCHOOL OFFICERS, FORMS FOR CONDUCTING ALL NECESSARY PROCEEDINGS UNDER SAID LAWS, AND A DIGEST OF THE DECISIONS MADE AND OPINIONS GIVEN BY THE STATE SUPERINTENDENT, WHICH ARE OF GENERAL APPLICATION.

Prepared in pursuance of An Act of the Legislature

BY THE

SUPERINTENDENT OF PUBLIC INSTRUCTION.

"PUBLIC PROPERTY,"

To be Delivered by each Officer to his Successor.

MADISON:

CALKINS & WEBB, PRINTERS.

1858

TO DISTRICT OFFICERS.

The following compilation contains all of the School Code of Wisconsin. As there have been several important changes made in reference to the powers of Districts at Special Meetings, in regard to the assessment and collection of Taxes voted at Special Meetings, in regard to the length of the terms of office, in regard to the formation of Union Districts, together with the change of the times for the various Officers to make their Annual Reports, it will be necessary, to avoid mistakes, that all Officers be guided strictly by the law as it now is, and that they take especial pains to become acquainted with the new provisions contained in this law. It is believed that all the forms necessary are included in the Appendix. School Officers are particularly requested to furnish this Department with information in regard to any lack in this respect which may come to their notice.

This pamphlet is, in all cases, to be considered Public Property, and is to be delivered by each District or Town Officer, receiving the same, to his successor in office.

S. H. CARPENTER,
Assistant State Superintendent.

Chap. CXXXVIII, General Laws of 1858, Sec. 11, reads as follows:

"The State Superintendent of Public Instruction is hereby authorized and directed to cause five thousand copies of the laws in relation to Common Schools, as amended by this Legislature, to be printed and published in pamphlet form by the State Printer at the contract prices, including therein such Rules, Forms and Regulations as he may deem necessary to carry into effect its provisions; and when thus published, he shall send to each Town Superintendent in the State one copy for his own use, and one for each of the School District Clerks within his Town, and hold the remainder to supply future demand, as occasion may require."

LAWS

RELATING TO COMMON SCHOOLS.

CONSTITUTION.—ARTICLE X.

EDUCATION

SECTION 1. The supervision of public instruction shall be vested in a State Superintendent, and such other officers as the legislature shall direct. The State Superintendent shall be chosen by the qualified electors of the State, in such manner as the legislature shall provide; his powers, duties and compensation shall be provided by law; *Provided*, That his compensation shall not exceed the sum of twelve hundred dollars annually.

State superintendent of public instruction, how elected and his compensation.

SEC. 2. The proceeds of all lands that have been or hereafter may be granted by the United States to this State for educational purposes, (except the lands heretofore granted for the purposes of a University,) and all moneys, and the clear proceeds of all property, that may accrue to the State by forfeiture or escheat, and all moneys which may be paid as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys arising from any grant to the State where the purposes of such grant are not specified, and the five hundred thousand acres of land to which the State is entitled by the provisions of an act of Congress, entitled "An Act to appropriate the proceeds of the sales of the public lands, and to grant

What to constitute the school fund.

pre-emption rights," approved the fourth day of September, one thousand eight hundred and forty-one, and also the five *per centum* of the nett proceeds of the public lands to which the State shall become entitled on her admission into the Union, (if Congress shall consent to such appropriation of the two grants last mentioned) shall be set apart as a separate fund, to be called the School Fund, the interest of which, and all other revenues derived from the school lands, shall be exclusively applied to the following objects, to wit:

To be set apart.

1. To the support and maintenance of Common Schools, in each school district, and the purchase of suitable libraries and apparatus therefor.

How interest applied.

2. The residue shall be appropriated to the support and maintenance of Academies and Normal Schools, and suitable libraries and apparatus therefor.

District schools to be established by law, to be free and not sectarian.

SEC. 3. The Legislature shall provide by law for the establishment of District Schools, which shall be as nearly uniform as practicable, and such schools shall be free and without charge for tuition to all children between the ages of four and twenty years; and no sectarian instruction shall be allowed therein.

Annual tax to be raised for support of schools. Amount thereof.

SEC. 4. Each town and city shall be required to raise, by tax, annually, for the support of Common Schools therein, a sum not less than one-half the amount received by such town or city respectively for school purposes, from the income of the School Fund.

Income of school fund how and when distributed.

SEC. 5. Provision shall be made by law for the distribution of the income of the School Fund among the several towns and cities of the State, for the support of Common Schools therein, in some just proportion to the number of children and youth resident therein, between the ages of four and twenty years, and no appropriation shall be made from the School Fund to any city or town, for the year in which said city or town shall fail to raise such tax, nor to any school district for the year in which a school shall not be maintained at least three months.

State university.

SEC. 6. Provision shall be made by law for the establishment of a State University, at or near the seat of government, and for connecting with the same from time to time such colleges in different parts of the State, as the interests of education may require. The proceeds of all lands that have been or may hereafter be granted by the United States to the State for the sup-

port of a University, shall be and remain a perpetual fund, to be called the "University Fund," the interest of which shall be appropriated to the support of the State University; and no sectarian instruction shall be allowed in such University.

School land commissioners.

SEC. 7. The Secretary of State, Treasurer and Attorney General shall constitute a Board of Commissioners for the sale of the School and University Lands, and for the investment of the funds arising therefrom. Any two of said Commissioners shall be a quorum for the transaction of all business pertaining to the duties of their office.

Lands, how sold.

SEC. 8. Provision shall be made by law for the sale of all School and University Lands, after they shall have been appraised, and where any portion of such lands shall be sold, and the purchase money shall not be paid at the time of sale, the Commissioners shall take security by mortgage upon the land sold for the sum remaining unpaid, with seven per cent. interest thereon, payable annually at the office of the Treasurer. The Commissioners shall be authorized to execute a good and sufficient conveyance to all purchasers of such lands, and to discharge any mortgages taken as security when the sum due thereon shall have been paid. The Commissioners shall have power to withhold from sale any portion of such lands when they shall deem it expedient, and shall invest all moneys arising from the sale of such lands, as well as all other University and School Funds, in such manner as the Legislature shall provide, and shall give such security for the faithful performance of their duties as may be required by law.

Powers of commissioners.

TITLE III.—CHAP. 10.—REVISED STATUTES.

State superintendent when elected and his term of office.

SEC. 59. There shall be elected at the next general election, and biennially thereafter, a State Superintendent, whose term of office shall commence on the first day of January next succeeding his election, and continue for the term of two years, and until his successor is elected and qualified.

Oath of office.

SEC. 60. The State Superintendent shall, before he enters upon the duties of his office, take and subscribe

an oath to support the constitution of the United States, and of the State of Wisconsin, and faithfully to discharge the duties of his office to the best of his ability, which oath shall be filed in the office of the Secretary of State.

His salary.

SEC. 61. The said Superintendent shall receive for his services the sum of one thousand dollars per annum, payable quarterly in advance, with his actual postage, and the necessary stationery for his office, payable quarter yearly out of the State Treasury.

His duties.

SEC. 62. He shall have a general supervision over the Common Schools in this State, and it shall be his duty, as far as practicable, to visit every county in this State, for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communication with school officers, teachers and parents, a knowledge of existing defects, and of desirable improvements in the government and the instruction of the schools.

Ibid.

SEC. 63. It shall be his duty to recommend the introduction of the most approved text books, and as far as practicable to secure a uniformity in the use of text books in the Common Schools throughout the State; to discourage the use of sectarian books and sectarian instruction in the schools; to advise in the selection of books for school district libraries; and to open such correspondence abroad as may enable him to obtain, so far as practicable, information relative to the system of Common Schools, and its improvements in other States and Countries, which he shall embody in his Annual Report to the Legislature.

His duties.

SEC. 64. He shall prescribe rules and regulations for the management of school district libraries, and the penalties which shall be imposed by District Boards for any violation of such rules and regulations; he shall prepare for the use of Common School officers, suitable forms for making reports, and conducting all necessary proceedings, and he shall cause the laws relating to Common Schools, with the rules, regulations and forms aforesaid, and such instructions as he shall deem necessary, to be printed together, with a suitable index, in pamphlet form, by the person authorized to do the State printing, at the expense of the State; and he shall cause the same to be distributed among the several school

districts and other officers having the care of Common Schools throughout the State.

SEC. 65. He shall examine and determine all appeals duly made to him from the decision of any school district meeting, or from the decision of any Town Superintendent in forming or altering, or in refusing to form or alter any school district, or concerning any other matter under the Common School law of this State, and his decision thereon shall be final. To examine and determine appeals.

SEC. 66. It shall be the duty of the State Superintendent to collect in his office such school books, apparatus, maps and charts as can be obtained without expense to the State, and also to purchase at an expense, not exceeding fifty dollars a year, rare and valuable works on education for the benefit of teachers, authors, and others, who may wish to consult them. Books, charts, &c.

SEC. 67. He shall prepare in each year, a report to be submitted to the Legislature, on or before the tenth day of December in each year, containing— To report.

1. An abstract of all the Common School reports received by him from the several Clerks of the County Boards of Supervisors; What to contain.

2. A statement of the condition of the Common Schools in this State;

3. Estimates and accounts of expenditures of the school moneys;

4. Plans for the improvement and management of the Common School Fund, and for the better organization of the Common Schools. And—

5. All such matters relating to his office, and the Common Schools of the State, as he shall deem expedient to communicate.

SEC 68. It shall be the duty of the State Superintendent, between the tenth and fifteenth day of March in each year, to apportion and distribute the income of the State Fund for the support of Common Schools, which shall have been received up to the tenth of March in each year, among the several counties of this State, and the share of each county among its respective towns and cities; such apportionment shall be made among the several towns and cities according to the number of children in each, over the age of four, and under the age of twenty years, according to the returns thereof as made to his office for the preceding year. Apportionment of school fund income.

SEC. 69. He shall certify such apportionment to the To certify apportionment to

treasurer and give notice of same to county clerks.

Treasurer of the State, and shall give immediate notice thereof to the Clerk of each County Board of Supervisors, stating the amount apportioned to his county, and to each town and city therein, and the time when the same will be payable to the Treasurer of such county.

Where to keep his office.

SEC. 70. The State Superintendent shall have an office at Madison, where shall be deposited all papers and documents appertaining to the business of his office; and to which place communications on the subject of Common Schools may be addressed to him.

Copies of his papers certified to be evidence.

SEC. 71. Copies of all papers deposited or filed in the office of the State Superintendent of Common Schools, and all acts and decisions of such Superintendent may be certified by him; and when so certified, shall be evidence equally and in like manner as the originals.

Assistant state superintendent.

SEC. 72. The State Superintendent shall have power to appoint under his hand and seal an Assistant Superintendent of Public Instruction, who shall take the constitutional oath of office, which shall be filed in the office of the Governor; and such Assistant shall perform such duties as his principal shall prescribe, not inconsistent with law, and shall receive an annual salary of eight hundred dollars, to be paid quarter yearly as the salaries of State officers are paid, and such Assistant shall be styled the Assistant State Superintendent, and the State Superintendent shall be responsible for all of the acts of such Assistant.

Traveling expenses.

SEC. 73. There is hereby appropriated annually to the State Superintendent a sum not exceeding six hundred dollars, to defray his travelling expenses in making official visits to the counties of this State pursuant to the provisions of this chapter. He may draw the same from time to time in such sums as he may specify; but he shall not draw to exceed one hundred and fifty dollars in advance over and above the amount of his expenditures already made for the purposes herein mentioned.

To report to the governor.

SEC. 74. The Superintendent shall annually submit to the Governor, with his report, a statement of his travels in making official visits during the past year, and of his expenditures for that purpose.

Clerk hire.

SEC. 75. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of six hundred dollars annually, to the Superintendent of Public Instruction, for the purpose

of defraying the expenses of clerk hire in the office of said Superintendent of Public Instruction; said sum to be drawn quarterly by said Superintendent, and to be disbursed by him for the purpose herein named; *Provided*, That said sum of six hundred dollars shall be in full for the annual payment of all clerk hire of said Department.

CHAPTER CXXXVIII.—GENERAL LAWS, 1858.

Annual report of superintendent.

SEC. 9. Section two of chapter ninety-nine of the General Laws of 1857, is hereby so amended as to except the State Superintendent of Public Instruction from being required to make his annual report to the Governor within ten days after the close of the fiscal year; and said State Superintendent shall make his report, and deliver it on or before the (10th) tenth day of December in each year to the Governor, who, within three days thereafter, shall deliver the same to the contractor or person authorized to do the public printing of the State; and when printed, one thousand copies thereof shall be delivered by the Superintendent of Public Property to the Superintendent of Public Instruction, for the use of his Department.

TITLE III.—CHAP. 13.—REVISED STATUTES.

OF THE BOARD OF COUNTY SUPERVISORS.

Special powers of county board.

SEC. 28. In addition to the ordinary powers and duties of the several County Boards of Supervisors enumerated in the preceding section, the following special powers are conferred upon them, subject to such modifications and restrictions as the legislature shall from time to time prescribe, to wit:

4. To authorize the levying and collecting of taxes for specific purposes in any town or school district, not exceeding one thousand dollars, when such town or school district is not authorized by law to levy and collect the same, or so large an amount; and to authorize the issuing and renewal of any warrant for the collec-

tion of town, school or road district taxes, as they shall deem just and expedient, when the same is not otherwise authorized by law; *Provided*, A majority of the electors of such town or school district shall, at some duly organized meeting, vote that such a tax be raised.

OF THE CLERK OF THE BOARD OF SUPERVISORS.

County clerk to file notice of apportionment, and send copy to county treasurer.

SEC. 60. Whenever the Clerk of the Board of Supervisors of any county shall receive from the State Superintendent notice of the apportionment of school moneys to be distributed in the county, he shall file the same in his office, and transmit a certified copy thereof to the County Treasurer; and such Clerk shall also lay a certified copy thereof before the Board of County Supervisors, at their next annual meeting.

To inform state superintendent of action of county board concerning school matters.

SEC. 61. It shall be the duty of the Clerk of the Board of Supervisors, in each county, on the last Monday in December in each year, to transmit to the State Superintendent, certified copies of all resolutions and proceedings of the Board of Supervisors of which he is clerk, passed or had during the preceding year, relating to the raising of any money for school purposes, and to report the amount to be raised in each town in such county.

TITLE IV.—CHAP. 15.—REVISED STATUTES.

POWERS AND DUTIES OF TOWNS.

Powers of electors at town meetings

SEC. 2. The qualified electors of each town shall have power at any legal meeting thereof to vote to raise such sum of money for the support of Common Schools, in addition to the amount required by law to be raised, as they may deem necessary. * * * *

OF TOWN BOARD.

Board to audit town superintendents accounts.

SEC. 81. The said Board shall also, at their annual meeting in each year, examine and audit the accounts of the Town Treasurer, and the Town Superintendent of schools, for all moneys received and disbursed by them as such officers. * * * * *

COMPENSATION OF TOWN OFFICERS.

SEC. 93. Supervisors, Assessors, Clerks of the Polls, and Superintendents of Schools, shall be entitled to a compensation for each day actually and necessarily devoted by them to the service of the town, and in the discharge of any of the duties of their respective offices required of them by law, of one dollar and fifty cents for each day, and at the same rates for parts of a day. Pay of town superintendent.

TITLE V.—CHAP. 18.—REVISED STATUTES.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

SEC. 53. The Board of County Supervisors, at their annual meeting in each year, shall estimate and determine the amount of moneys to be raised in each town and ward in their county, for the support of Common Schools therein for such year, which tax shall be levied and collected in each year, and shall not be less than one-half the amount of school moneys apportioned to such town and ward by the State Superintendent in his last apportionment of school moneys, nor shall the amount so raised for school purposes exceed three mills on the dollar in any one year, upon the valuations of taxable property in such county; every such determination for the raising of school moneys by the said Board shall be recorded by their Clerk, and the sum so determined to be raised shall be assessed and collected for the use of Common Schools in each town and ward in such county, in addition to any sum any such town or ward may have voted to raise for the support of Common Schools therein.

Amount to be raised for schools by tax in towns.

Limited.

Determination to be recorded.

SEC. 54. Whenever there shall have been no distribution of school moneys to any town or ward in any year, the County Board of Supervisors shall, at their annual meeting in that year, direct to be raised on the valuation of the taxable property in such town or ward, the same per centage or proportionable amount of taxes for the support of Common Schools therein, as shall be required to be raised for that purpose in the other towns in such county.

How amount of school tax ascertained when town has drawn no school moneys preceding year.

TITLE VII.—CHAP. 24.—REVISED STATUTES.

OF THE DISTRIBUTION OF THE INCOME OF THE SCHOOL FUND.

When and to what counties school fund to be distributed.

SEC. 1. The income of the State Fund for the support of Common Schools, which shall be received up to the tenth day of March in each year, shall be distributed annually, between the tenth and fifteenth days of March in each year, or as soon thereafter as practicable, among the several counties in this State, from which reports have been received by the State Superintendent, agreeably to law.

Who shall apply for school money.

SEC. 2. The Treasurer of each county shall apply for and receive of the State Treasurer the school moneys apportioned to his county, as soon as the same shall become payable.

County treasurer to give notice of amount apportioned to each town and city.

SEC. 3. Each County Treasurer receiving such moneys shall immediately give notice in writing to the Treasurer of each city, and to the Town Superintendent of each town in his county, of the amount apportioned to such town or city, and shall hold the same, subject to the order of such City Treasurer or Town Superintendent.

Money not drawn to be added to the amount next to be apportioned.

SEC. 4. In case the Treasurer of any such city, or the Town Superintendent of any such town, shall not apply for and receive such moneys before the next receipt of school moneys apportioned to the county, the moneys so remaining with the County Treasurer shall be added to the moneys next received by him from the State Superintendent, and distributed therewith, and in the same proportion, among the several towns and cities entitled thereto, in such county.

When counties not entitled to apportionment

SEC. 5. Whenever it shall not appear from the certified statement of the Clerk of the Board of Supervisors in any county, made to the State Superintendent, that the amount required by law to be raised for school purposes has been directed to be raised during the year by the Board of Supervisors of such county, the Superintendent shall not apportion any of the State School Funds to such county, and in such case the moneys so withheld shall be added to the principal of the Common School Fund.

TITLE VII.—CHAP. 23.—REVISED STATUTES.

OF COMMON SCHOOLS.

SCHOOL DISTRICTS.

(*See Notes A. and B.*)

Notice of formation and time and place of first meeting of school district.

SECTION 1. Whenever a school district shall be formed in any town, it shall be the duty of the Town Superintendent, within twenty days thereafter, to prepare a notice in writing of the formation of such district, describing its boundaries, and appointing a time and place for the first district meeting, and to deliver such notice to a taxable inhabitant of the district.*

Notice how served and returned.

SEC. 2. The Town Superintendent shall, in such notice, direct such inhabitant to notify every qualified voter of the district, either personally or by leaving a written notice at his place of residence, of the time and place of such meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the voters of such district, agreeably to the requirements of said notice, and indorse thereon a return containing the names of the persons by him notified; and said notice and return shall be recorded as a part of the record of the first meeting in such district.†

Notice to be given in case of neglect to attend first meeting.

SEC. 3. In case such notice shall not be given, or the inhabitants of a district shall refuse or neglect to assemble or form a district meeting, when so notified, or in case any school district having been formed and organized, shall afterwards be dissolved, so that no competent authority shall exist therein to call a special district meeting in the manner hereinafter provided, notice shall be given by the Town Superintendent, and served in the manner prescribed in the preceding section.‡

* See Forms Nos. 1, 2 and 3. † Nos. 4 and 5. ‡ No. 6.

Duty of electors.

SEC. 4. Whenever a district meeting shall be called in the manner prescribed in the preceding sections of this chapter, it shall be the duty of the electors of the district to assemble at the time and place mentioned in such notice.

Who entitled to vote.

SEC. 5. Every person shall be entitled to vote in any school district meeting of this State, who is qualified to vote at a general election for State and county officers, and who shall have resided for the last ten days in the district where he or they may offer to vote.

Challenge and proceedings thereon.

SEC. 6. If any person offering to vote at a school district meeting, shall be challenged as unqualified by any legal voter in such district, the Chairman presiding at such meeting shall declare to the person challenged, the qualifications of a voter, and if such person shall declare that he is a voter, and if such challenge shall not be withdrawn, the Chairman shall tender him the following oath or affirmation: "You do solemnly swear (or affirm as the case may be) that you have been an actual resident of this school district for the last ten days, and that you are qualified according to law to vote at this meeting." And every person taking such oath or affirmation, shall be permitted to vote on all questions proposed at such meeting, but if any person shall refuse to take such oath or affirmation, his vote shall be rejected.

When district deamed organized.

SEC. 7. Every school district shall be deemed duly organized when any two of the officers elected at the first legal meeting thereof, shall have consented to serve for the offices to which they have been respectively elected, by a written acceptance thereof filed with and recorded by the clerk; and every school district shall be considered as legally organized after it shall have exercised the franchises and privileges of a district for the term of two years.*

Districts to be bodies corporate, and their powers.

SEC. 8. Every school district organized in pursuance of this chapter, or which has been organized under any previous law of the State or Territory of Wisconsin, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "School district number (such number as shall be designated by the Town Superintendent in the formation thereof) of ——" (the name of the town or towns in which the district is situate,) and in

* See Form No. 7.

that name shall sue and be sued, and be capable of contracting and being contracted with, and of holding such real and personal estate as is authorized to be purchased by the provisions of this chapter, and of selling the same.

DISTRICT MEETINGS.

Annual meeting, when held

SEC. 9. The annual meeting of each school district shall be held on the last Monday of September in each year; the hour of such meeting shall be six o'clock in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last previous annual meeting.

When annual meeting not illegal for want of notice.

SEC. 10. No annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was willful and fraudulent.*

Powers of annual district meeting.

SEC. 11. The inhabitants qualified by law to vote at a school district meeting, when assembled at the first and each annual meeting in their district, shall have power—

1st. To appoint a Chairman for the time being.

2d. To adjourn from time to time as occasion may require.

3rd. To choose a Director, Treasurer and Clerk.

4th. To designate a site for a district school house.

5th. To vote such tax on the taxable property of the district, as the meeting shall deem sufficient to purchase or lease a suitable site for a school house, and to build, hire, or purchase such school house, and to keep in repair and furnish the same with the necessary fuel and appendages.

6th. To vote a tax on the taxable property of the district of such sum as the meeting shall deem proper for the pay of teachers' wages in the district.

7th. To authorize and direct the sale of any school house, site, or other property belonging to the district, when the same shall no longer be needful for the use of the district.

8th. To impose such tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred.

9th. To vote a tax not exceeding twenty dollars in

* See Form No. 8.

any one year for the purchase of globes, black boards, outline maps, or any apparatus for illustrating the principles of agriculture, chemistry, or the mechanic arts.

10th. To give such direction and make such provision as may be deemed necessary in relation to the prosecution or defence of any action or proceeding in which the district may be a party or interested.

11th. To alter, repeal and modify their proceedings as occasion may require.

Special meetings how called, and what business may transact.

SEC. 12. Special district meetings may be called by the Clerk, or in his absence, by the Director or Treasurer, on the written request of any five legal voters of the district, by notifying all the legal voters in such district; and the inhabitants qualified by law to vote, when lawfully assembled at a special meeting, shall have power to transact the same business as at the first and each annual meeting.*

If election not held at annual meeting, how special meeting called for that purpose.

SEC. 13. Whenever the time for holding an annual meeting in any district for the election of district officers shall pass without such election being held, the Clerk, or in case of his absence, either the Director or Treasurer last elected, within twenty days after the time of holding such meeting shall have passed, may notify a special meeting for such election in the manner prescribed in the twelfth and twenty-ninth sections of this chapter; but if such meeting shall not be notified within twenty days as aforesaid, the Town Superintendent may order any taxable inhabitant of such district to notify such meeting in the manner provided in this chapter for the formation of a new district; and the officers chosen at such special meeting shall hold their offices until the time for holding the next annual meeting.†

Tax to build school house not to exceed $500, except in certain cases.

SEC. 14. No tax to be voted by a district meeting for building, hiring or purchasing a school house, shall exceed the sum of five hundred dollars, unless the Town Superintendent of the town in which the school house is to be situated, shall certify in writing his opinion that a larger sum ought to be raised, and shall specify the sum, in which case a sum not exceeding the sum so specified may be raised; and in districts composed of parts of several towns, the certificate of a major part of the Superintendents of said towns shall be necessar for such purpose.‡

* See Form No. 9. † Nos. 6 and 9. ‡ No. 11.

SEC. 15. The qualified voters, at each annual meeting, may determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than three months, and whether such school shall be taught by a male or female teacher, or both, and whether the school moneys, to which the district is entitled from the Common School Fund and from the town, shall be applied to the support of the summer or winter term of the school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the District Board shall have power and it shall be their duty to determine the same.

What voters may determine at annual meeting If they neglect, the board to determine the same.

DISTRICT OFFICERS AND THEIR DUTIES.

(See Note C.)

SEC. 16. The officers of each school district shall be a Director, Treasurer and Clerk, who shall hold their respective offices three years, and until their successors shall have been chosen or appointed, but not beyond ten days after the expiration of their term of office, without being again elected or appointed; *Provided*, That at the first annual election of district officers after the passage of this act, and at the first election of such officers in any newly organized district, the Clerk shall be chosen for one year, the Treasurer for two years, and the Director for three years; and thereafter each officer shall be chosen for three years. Any person present at a school district meeting at which he shall be elected one of the District Board, shall be deemed to be notified thereof, and any person so elected, and not present, shall be notified thereof by the Clerk of such meeting within five days thereafter; and unless each person so elected and notified shall, within ten days after his election, file with the Clerk his refusal in writing to accept the office, he shall be deemed to have accepted the same; and any person appointed to fill a vacancy shall file with the Clerk his acceptance in writing before entering upon the duties of the office to which he has been appointed.*

District officers, how long to serve.

How notified of their election, and when deemed to have accepted.

DIRECTOR.

SEC. 17. It shall be the duty of the Director of each district to sign, together with the Clerk, all orders drawn

Duties of director.

* See Forms Nos. 7, 12, 13 and 21.

by the Clerk upon the Treasurer of the district for moneys received by him to be disbursed therein.*

Duties of director.

SEC. 18. The Director shall appear for and on behalf of the district, in all actions brought by or against the district, when no other direction shall be given by the qualified voters of such district at a district meeting.

TREASURER.

Duties of treasurer.

SEC. 19. It shall be the duty of the Treasurer of each district to apply for and receive from the Town Superintendent, all school moneys apportioned to his district, and pay over on the order of the Clerk and Director of such district all moneys so received by him.†

His annual report.

SEC. 20. The Treasurer shall present to the district at each annual meeting a report in writing, containing a statement of all moneys received by him during the preceding year, and of the disbursements made by him, with the items of such disbursements, and exhibit the vouchers therefor; also a statement of all taxes assessed upon the taxable property of the district during the year, the purposes for which such taxes were assessed, and the amount assessed for each particular purpose, which report shall be recorded by the Clerk; and if it shall appear that any balance of moneys is in the hands of such Treasurer at the time of making his final report, he shall immediately pay over such balance to his successor in office.‡

To pay over balance of moneys.

To give bond, otherwise office vacant.

SEC. 21. The Treasurer shall, within ten days after his election, execute to the district a bond in double the amount of money, as near as can be ascertained, to come into his hands as Treasurer, with sufficient sureties, to be approved by the Director and Clerk, conditioned for the faithful discharge of the duties of his office; and if he shall fail so to do, his office shall be vacant.§

When filed and how prosecuted.

SEC. 22. Such bond shall be filed with the Clerk, and in case of any breach of the condition thereof, the Director shall cause an action to be commenced thereon in the name of the district, and the money, when collected, shall be applied by such Director to the use of the district, as the same should have been applied by the Treasurer.

* See Form No. 14. † Note C. ‡ Form No. 15. § Form No. 16.

SEC. 23. If the Treasurer shall fail to give a bond as s required in this chapter, or shall decline to accept his office, the said Board shall appoint a Treasurer, who shall possess all the powers of the District Treasurer, and shall, before entering upon the duties of his office, give a bond to the district in double the amount of moneys to come into his hands, as near as can be ascertained, in the same manner and with the same effect as the District Treasurer is required to give.

When board may appoint treasurer.

SEC. 24. If such Treasurer shall refuse or neglect to pay over any balance remaining in his hands, it shall be the duty of his successor in office to prosecute without delay his official bond for the recovery of such balance.

When treasurer to prosecute bond of his predecessor.

CLERK.

SEC. 25. It shall be the duty of the Clerk of each district to record the proceedings of his district in a book to be provided by the district for that purpose; to enter therein copies of all reports made by him to the Town Superintendent, and to keep and preserve all records, books, and papers belonging to his office, and deliver the same to his successor in office.*

Duties of clerk

To keep records.

SEC. 26. He shall be Clerk of the District [Board], and of all district meetings when present, but if he shall not be present at any district meeting, the qualified voters present may appoint a Clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the Clerk of the district.

If absent from district meeting electors to appoint a clerk

SEC. 27. The Clerk shall contract with and hire qualified teachers for and in the name of the district; which contract shall be in writing, and shall have the consent of either the Director or Treasurer, or both, endorsed thereon, and shall specify the wages per week or month as agreed upon by the parties, and such contract so completed shall be filed in his office.†

To hire teacher.

Contract to be in writing.

SEC. 28. The District Board shall provide the necessary appendages for the school house, and keep the same in good condition and repair during the time a school shall be taught therein; and they shall keep an accurate account of all expenses incurred by them, and present such account for allowance to the qualified voters at a regular district meeting; and the amount of such ac-

Board to provide necessary appendages for school house.

* See Note B. † See Form No. 17.

count as allowed by such meeting may be assessed and collected in the same manner as other district taxes, but no such account shall be allowed at a special district meeting unless the intention to present the same shall be specified in the notice for such meeting.

Clerk to give six days notice of each annual and special meeting.

SEC. 29. It shall be the duty of the Clerk to give at least six days previous notice of every annual and special district meeting, by posting up notices therefor in four or more public places in the district, one of which notices shall be affixed to the outer door of the school house, if there be one in the district; and he shall give the like notices for every adjourned district meeting, when such meeting shall have been adjourned for a longer period than one month; every notice for a special district meeting shall specify the objects for which such meeting is called, and no business shall be acted upon at any special meeting which was not specified in such notice*.

What notice of special meeting to specify.

Clerk to report to Town Superintendent.

SEC. 30. It shall be the duty of the Clerk, between the first and fifteenth days of July† in each year, to make and transmit a report in writing, signed by him, to the Town Superintendent, dated on the first day of July,‡ in the year in which it shall he transmitted, showing:§

*See Forms Nos. 8, 9, 10.

†These dates and months are not as they were intended by the State Superintendent and Chairman of the Senate Committee on Education, who prepared the bill, which passed on the last evening of the session of 1858; and by some unaccountable mistake in the hurry consequent upon the close f the session, these errors became incorporated in the law. As it is impossible to carry them into effect this year, and would prove, if enforced, a great hardship upon such districts as have only a three months' school, and that in the summer, the State Superintendent, with the consent and approval of the Governor, hereby directs the District Clerks to make their annual reports, until otherwise directed, as follows: The school year, as formerly, to close August 31st; their reports to bear date *September 1st*, and to be made to the Town Superintendents between *the first and tenth days of September*. Thus will the Town Superintendents be enabled, as the law requires, to make their reports between *the fifteenth and twenty fifth days of September*; and the Clerks of the Boards of Supervisors to make theirs on or before the tenth day of October; and the State Superintendent, on or before the tenth of December. The law with reference to the close of the school year, and the time for the District Clerks to make their reports, will doubtless be amended at the next sossion of the Legislatnre so as to correspond with the instructions above given.

‡See preceding Note, directing September to be substituted for July.

§See Form No. 18.

1st. The number of children, male and female, designated separately, residing in the district on the last day of June* previous to the date of such report, over the age of four, and under the age of twenty years; Report, what to show.

2nd. The number attending school during the year under the age of four, and the number over the age of twenty years;

3rd. The whole number that have attended school during the year.;

4th. The length of time a school has been taught during the year by a qualified teacher, the name of each teacher, the length of time taught by each, and the wages paid to each;

5th. The average length of time scholars over the age of four and under the age of twenty years, have attended school during the year;

6th. The amount of moneys received from the Town Superintendent within the year, and the manner in which the same has been applied;

7th. The amount raised by the district in such year, and the purposes for which it was raised;

8th. The kind of books used in the school;

9th. Such other facts and statistics in regard to the school and the subject of education as the State Superintendent may direct.

SEC. 31. The State Superintendent is hereby authorized and required, on or before the 1st day of June in each year, to furnish to each School District Clerk in the State, a blank form, upon which such officer shall make his annual report to the Town Superintendent of his own town. State Superintendent to furnish blank forms.

SEC. 32. It shall be the duty of the Clerk to draw orders on the Treasurer of the district for money in the hands of such Treasurer, which has been apportioned to, or raised by, the district, to be applied to the payment of teachers' wages, and apply said moneys to the payment of such teachers as shall have been employed by him in the name of the district, and also to draw orders on said Treasurer for moneys in his hands, to be disbursed for any other purpose for which the same shall have been voted by the district, agreeably to the provisions of this chapter: *Provided*, Said orders shall be signed by the Director.† Clerks to draw orders on treasurer. Money, how disbursad.

* This should be August. † See Form No. 14.

Clerk to furnish register, what to contain, and where to be deposited.

SEC. 33. The Clerk of each school district shall furnish, at the expense of the district, a school register, in the form prescribed by the State Superintendent, in which every teacher in the district shall be required to enter the names, ages, and studies of all the scholars attending school, and daily their attendance and absence; which register shall be deposited with the Clerk at the end of each term; and any teacher who shall willfully neglect or refuse to comply with the requirements of this section, shall forfeit his or her wages for teaching in such district.*

OF THE ASSESSMENT AND COLLECTION OF SCHOOL DISTRICT TAXES.

(See Note D.)

District Clerk to furnish Town Clerk with a verified statement of all taxes voted

To furnish list of persons and corporations liable to tax.

How to proceed in case of joint district.

SEC. 34. The Clerk of each school district shall, on or before the fourth Monday of November in each year, deliver to the Town Clerk in which the district is situated, a statement in writing, verified by his affidavit, showing the amount of the tax or taxes voted to be raised at the last preceding annual meeting, or at the first meeting after the organization of the district, or both, as the case may require, together with a list of all persons and corporations liable to a school district tax therein. In case of a joint district he shall deliver to the Town Clerk of each town in which any part of the district is situated, a statement so verified, showing the proportion of the tax to be assessed in that part of the district within such town, together with a list of all persons and corporations liable to a school district tax in that part of the district. Such proportion shall be ascertained from the valuations contained in the last assessment rolls of the respective towns; and to enable the District Clerk to ascertain the same, the town Clerk of each such town, shall, on demand, at any time after he has received the equalized assessment roll of his town, deliver to the clerk of any such joint district, a certified statement of the valuation of real and personal property in that part of such district lying within his town, as the same appears from said assessment roll.†

Town Clerk to furnish certified statement of value of property.

Tax, how assessed and collected.

SEC. 35. The Town Clerk shall assess such tax, or the due proportion thereof, upon the real and personal

* See Form No. 19. † See Forms Nos. 20 and 21.

property liable thereto, placing the same in a separate column in the next assessment roll of his town, delivered to the Town Treasurer for collection, whenever such certificate of the District Clerk shall be received by him in time therefor, although after the fourth Monday of November. And if for any reason such tax shall not be assessed in the next assessment roll after the tax is voted, it shall be assessed in that of the next succeeding year. The tax shall, in all respects, be collected or returned delinquent like other taxes, and when collected the money shall be paid over to the District Treasurer. And whenever any part and not the whole of the taxes for all purposes assessed in the assessment roll to any person or corporation, or upon any real estate, shall be collected by the Town Treasurer, he shall pay over the due proportion of the amount collected by him to the District Treasurer.

To whom paid

When part to be paid.

SEC. 36. It shall be the duty of the Town Treasurers of the several towns to pay over to the Treasurers of the several school districts in their respective towns, on demand, the amount of all school district taxes returned to the County Treasurer of their respective counties as delinquent, whenever the same shall have been collected and paid over by said County Treasurers to such Town Treasurers; or if any such Town Treasurer shall receive credit from the County Treasurer, for such delinquent tax, or any part thereof, on account of any demand or claim due from such town to said county, then said Town Treasurers shall pay over the amount of such delinquent tax, or the part for which credit has been so received, to the Treasurer of the proper school district, on demand thereafter.

Delinquent taxes how paid

[Section 2, of An Act approved May 17th, 1858, and published June 1st, 1858, reads as follows:

[SEC. 2. So much of chapter nineteen of the Revised Statutes as relates to the assessment and collection of school district taxes, is hereby revived for the purpose of assessing and collecting any tax that may be voted at any special meeting, in accordance with the provisions of section one of this act.—*See Sec*, 12, *page* 18.

[And the following are the sections of the Revised Statutes of 1849 thus revived, and applicable to the

collection of school district taxes that may be voted at any special meeting:—

Taxes how assessed.

[SEC. 66. All taxes raised and collected in any school district, for any of the purposes authorized by the provisions of this chapter, except when otherwise provided, shall be assessed on the same kind of property as taxes for town and county purposes are assessed.

Tax list what to contain.

[SEC. 67. The Clerk of each school district, in making out any tax list, shall enter therein the names of all persons liable to pay a school district tax in such district, the amount of personal property to be taxed to each such person, and a description of all the taxable real estate in such district, and he shall set opposite to each description of taxable property the valuation of the same and the amount of tax charged upon such property, and to each person respectively; such description and valuation of taxable property shall be ascertained so far as possible from the last assessment roll of the town.

Assessment how made.

[SEC. 68. Whenever any real estate in any school district shall not have been separately valued in the assessment roll of the town, and the valuation of such real estate cannot be definitely ascertained from such assessment roll, the District Board of such district shall estimate the value of the same, in proportion to the valuation affixed in said assessment roll to the whole tract of which such lot or piece of land forms a part.

How altered.

[SEC. 69. Whenever a school district embraces a part of more than one town, the Town Superintendents of the towns so in part embraced, upon application of any three persons liable to pay taxes in such district, shall proceed to enquire and determine whether the valuations of taxable property in the assessment rolls of such towns are just, as compared with each other, in respect to such district, and if considered not to be so, they shall determine the relative proportion of taxes to be assessed upon the real estate of the parts of such district so lying in different towns; and any tax thereafter to be raised in such district, shall be apportioned and assessed according to such determination, until the same shall be altered upon a like application and determination as before mentioned; and in cases where the Superintendents cannot agree as to such valuation, they shall summon a Superintendent from an adjoin-

ing town, who shall unite in such inquiry and determination.

Warrant what to contain.

[SEC. 70. The warrant annexed to any tax list shall be under the hand of the Clerk of the district, and shall command the Treasurer of such district to collect from each of the taxable persons and corporations named in such tax list, and of the owners of the real estate described therein, the several sums set opposite to the persons and corporations so named, and to the several tracts of land so described, within forty days from the date thereof, and within ten days from the date of such warrant, to personally demand such tax of the persons charged therewith in such lists, if they be found within his town; and that if any such tax shall not be paid within said ten days, to collect the same by distress and sale of personal property, in the same manner as Town Treasurers are authorized to collect town and county taxes; and the said Treasurer shall execute said warrant and return the same to the Clerk at the expiration of the time limited therein for the collection of such tax list.*

Treasurer to execute warrants.

Proceedings when taxes remain unpaid.

[SEC. 71. If any tax on real estate, in any tax list delivered to the Treasurer of any district, shall remain unpaid at the time he is required by law to return his warrant to the Clerk of the district, such Treasurer shall make out and deliver to the Town Clerk of his town, a statement in writing, containing a description of the lots and pieces of land upon which such taxes remain so unpaid, together with the amount of tax assessed to each; and he shall make and subscribe an affidavit to such statement before some Justice of the Peace, or other person authorized to administer oaths, that the taxes mentioned in such statement remain unpaid, and that after diligent efforts he has been unable to collect the same; and whenever any school district shall embrace parts of more than one town, such Treasurer shall make his return, as aforesaid, to the Town Clerks of the towns in which such parts of such district shall be situated.

Certificate of be given to Treasurer.

[SEC. 72. The Town Clerk, upon delivery to him of such statement, shall give a certificate to the Treasurer of the amount of taxes so remaining unpaid, as the same shall appear from the statement of such Treasu-

* See Forms 34 and 35.

rer; which certificate shall be deposited by the Treasurer with the District Clerk, and shall be filed by such Clerk.

Uupaid taxes to be entered in next assessment roll.

[SEC. 73. Such Town Clerk shall, on making out the duplicate assessment roll of the town next thereafter, enter such unpaid taxes in a separate column therein, opposite to the description of the land upon which the taxes so remain unpaid, and such taxes shall be collected in the same manner as town and county taxes are collected; and when so collected shall be paid over to the Town Superintendent of such town, who shall pay the same to the Treasurer of the district in which such taxes were originally assessed.

Warrant may be executed out of town or county.

[SEC. 74. The warrant issued by the Clerk of any school district for the collection of any district tax authorized to be raised and collected by any of the provisions of this chapter, may be executed in any other district or town in the same county, or in any other county in which any part of such district is situate, when the district is composed of parts of two or more adjoining counties, and such warrant shall have the like force and effect as a warrant issued by a Town Clerk for the collection of town and county taxes; and the Treasurer of the district to whom any such warrant may be delivered for the collection of a tax list, shall possess the like powers in the execution of the same as are conferred by law upon the Treasurers of towns in the collection of town and county taxes.

Errors in tax list may be corrected by board.

[SEC. 75. Whenever any error shall be discovered in any district tax list, and made to appear to the District Board, they may order any moneys which may have been improperly collected on such tax list, to be refunded, and may authorize and empower the Clerk to amend and correct such error in said tax list.

How warrant renewed.

[Sec. 76. Whenever the Clerk of any district shall deem it necessary, he may renew the warrant annexed to any tax list, in his district, for thirty days, but he shall have power to renew such warrant but once without the consent of the Superintendent of the town in which the school house of such district shall be located, which consent shall be endorsed on such warrant.

When tenant paying taxes may recover same of owner.

[SEC. 77. When any district tax shall be lawfully assessed and paid by any person on account of any real property whereof he is only a tenant at will or for any period not exceeding three years, such tenant may

charge and collect of the owner of such real estate the amount of the tax so paid by him, unless some agreement to the contrary shall have been made by such tenant.]

DISTRICT BOARD.

(*See Note E.*)

Who to constitute District Board.

SEC. 37. The Director, Treasurer and Clerk, shall constitute the District Board.

Their powers and duties.

SEC. 38. They shall purchase or lease such a site for a school house as shall have been designated by the district, in the corporate name thereof, and shall build, hire, or purchase such school house out of the funds provided for that purpose, and make sale of any school house site or other property belonging to the district, and if necessary execute a conveyance of the same in their name of office, when lawfully directed by the qualified voters of such district at any annual or special meeting.*

To have care of school house.

SEC. 39. The said Board shall have the care and keeping of the school house and other property belonging to the district, except so far as the same shall be especially confided to the care of the Clerk, including all books purchased by the district for the use of any children.

When to fill vacancy in their own number, and when Superintendent shall.

SEC. 40. The said Board shall have power to fill, by appointment, any vacancy that shall occur in their own number, within ten days after such vacancy shall occur; and if such vacancy shall not be filled within ten days, as aforesaid, by said Board, it shall be the duty of the Town Superintendent to fill such vacancy by appointment.†

When Board may purchase school books for children.

SEC. 41. The District Board may purchase, at the expense of the district, when families or guardians may not be able to furnish the same, such school books as in their judgment may be necessary for the use of any children attending school in their district, and they may include the amount of such purchase in any tax to be collected in such district.

WHAT SHALL BE TAUGHT IN SCHOOLS.

Board to determine what books to be used.

SEC. 42. The Board in each school district shall have power, under the advice of the Superintendent of Pub-

* See Forms Nos. 22 and 23. † See Form No. 24.

lic Instruction, to determine what school and text books shall be used in the several branches taught in the school of such district.

What to be taught in district schools.

SEC. 43. In every district school there shall be taught, in the English language, orthography, reading, writing, English grammar, geography and arithmetic, during the time such school shall be kept, and such other branches of education as may be determined upon by the Board.

TOWN SUPERINTENDENT AND HIS POWERS AND DUTIES.

(*See Note F.*)

Town Superintendent to give bond.

SEC. 44. It shall be the duty of the Town Superintendent of Common Schools, within ten days after he shall have been notified of his election or appointment, to execute to the Chairman of Supervisors of his town, and file with the Town Clerk, a bond with one or more sufficient sureties, to be approved by the said Chairman of Supervisors, by indorsement over his signature on said bond, with a penalty, as near as can be ascertained, of double the amount of all the school moneys to come into his hands during the term of his office, and conditioned for the faithful application and legal disbursement of all such school moneys according to law, and for the faithful discharge of all the duties of his office; and in case such bond shall not be executed, approved and filed within the time prescribed in this section, the office of such Town Superintendent shall be deemed vacant.*

Penalty of bond.

Condition of, and how approved and filed.

Duties of Town Superintendent.

SEC. 45 It shall be the duty of the Town Superintendent in each town—

1st. To divide the town into a convenient number of school districts, and to regulate and alter such districts as hereinafter provided.

2nd. To describe and number the school districts, and to deliver the description thereof and numbers in writing, to the Town and District Clerk, immediately after the formation or alteration thereof.

3rd. To apply for and receive from the County Treasurer, all moneys apportioned for the use of Common Schools in his town, and from the Treasurer of the town, all the moneys raised therein for the same purpose.

* See Form No. 32.

4th. To apportion the school moneys received from the Town and County Treasurers, on the third Monday in March in each year, or as soon thereafter as he shall receive the same, to the several districts and parts of districts within the town, in proportion to the number of children residing in each, over the age of four and under the age of twenty years, as the same shall have appeared from the last annual reports of their respective Clerks.

5th. To see that the annual reports of the Clerks of the several school districts in his town, are made correctly and in due time.

6th. To sue for and collect in his name of office, all penalties and forfeitures imposed in this chapter, which shall be incurred by any officer or inhabitant of his town, and in respect to which no other provision is made.

To make report.

SEC. 46. It shall be the duty of the Town Superintendent, between the fifteenth and twenty-fifth days of September in each year, to make and transmit to the Clerk of the Board of Supervisors of the county, a report in writing, bearing date on the fifteenth day of September, in the year of its transmission, stating—*

What report contain.

1st. The whole number of school districts separately set off within the town;

2nd. The districts and parts of districts from which reports shall have been made to him or his immediate predecessor in office, within the time limited for that purpose;

3rd. The length of time a school shall have been taught in each of such districts or parts of districts, distinguishing what portion of that time the school has been taught by qualified teachers;

4th. The amount of public moneys received in each of such districts and parts of districts;

5th. The number of children taught in each, and the number of children over the age of four and under the age of twenty years, residing in each;

6th. The whole amount of moneys received by him from his predecessor in office, since the date of the last preceding report, distinguishing the amount received from the County Treasurer, from the amount received from the Town Treasurer, and from other sources, if any;

* Form No. 25.

7th. The manner in which such moneys have been expended, and whether any and what part remains unexpended, and for what cause;

8th. The amount of money raised in the districts and paid for teachers' wages, in addition to the public money paid therefor; the amount of taxes raised for purchasing school house sites, for building, hiring, purchasing, repairing and insuring school houses; for fuel, for district libraries, or for any other purpose allowed by law, in the districts or parts of districts from which reports have been received by him, or his predecessor, since the date of the last preceding report, with such other information as the State Superintendent may from time to time require.

Moneys not to be apportioned unless school taught three months, and School Fund money legally expended.

SEC. 47. No moneys shall be apportioned to any district or part of a district, unless it shall appear, by the report thereof, that a school has been taught therein, for at least three months during the year ending at the date of such report, by a qualified teacher, and that all school moneys received during that year from the School Fund have been applied to the payment of the wages of such teacher; and no portion of the library money shall be apportioned to any district or part of a district, unless it shall appear from the last annual report thereof, that the library money received at the last preceding apportionment was duly expended according to law, before the first day of July* subsequent to such apportionment, and that such district has complied with the regulations established by the State Superintendent in relation to district libraries.

Library money when not to be apportioned

Superintendent to keep account of money received and expended.

SEC. 48. The Town Superintendent, in each town, shall keep a just and true account of all school moneys received and expended by him during each year for which he shall have been chosen, and shall lay the same before the Board of Auditors of Town Accounts, at the annual meeting of such Board in each year.

To render account to successor.

SEC. 49. The Town Superintendent of Schools in each town, shall, within ten days after the termination of his office, render to his successor in office, a just and true account, in writing, of all school moneys received by him during the preceding year, and of the manner in which the same shall have been appropriated and expended by him; and the account so ren-

*See Note to Section 30, page 22.

dered shall be delivered by such successor in office to the Town Clerk, to be filed and recorded in his office.

SEC. 50. On rendering such account, if any balance shall be found remaining in the hands of such Town Superintendent, the same shall be immediately paid by him to his successor in office. To pay money to successor.

SEC. 51. Such successor in office shall bring an action upon the official bond of any previous Town Superintendent, for the recovery, with interest, of any unpaid balance of school moneys that shall appear to have been in his hands on leaving his office, either by the accounts rendered by such Town Superintendent, or by other sufficient proof. Successor to bring suit.

SEC. 52. The Town Superintendent in each town, shall have the powers and privileges of a corporation, so far as to enable him to take and hold any property transferred to him for the use of Common Schools in such town. Superintendent to have powers of a corporation.

SEC. 53. The Town Superintendent shall be entitled to receive one* dollar per day for every day actually and necessarily devoted by him, in his official capacity, to the service of the town for which he may be chosen, the same to be paid in like manner as other town officers are paid. Pay of Superintendent.

SEC. 54. If, after the time when the annual reports of the school districts are required to be dated, and before the apportionment of school moneys shall be made, a district shall be duly altered, or a new district shall be formed in the town, so as to render an apportionment, founded on such annual reports, unjust as between two or more districts of the town, the Town Superintendent shall make an apportionment to such districts according to the number of children in each over the age of four, and under the age of twenty years, ascertaining that number by the best evidence in his power. Apportionment by Superintendent in case of division of district.

SEC. 55. All moneys apportioned by the Town Superintendent, to any district or part of a district, which shall have remained in the hands of said Town Superintendent for one year after such apportionment, by reason of such district or part of district neglecting or refusing to receive the same, shall be added to the moneys next thereafter to be apportioned by such When moneys to be added to next apportionment.

*The Revised Statutes of 1858, fix t compensation at $1 50 a day. See Title iv, Chap. 15, Sec, 93.

Town Superintendent, to the several districts and parts of districts in such town, and apportioned therewith.

INSPECTION AND SUPERVISION BY TOWN SUPERINTENDENT.

(*See Note G.*)

Teachers, how and by whom examined.

SEC. 56. It shall be the duty of the Town Superintendent to examine annually all persons offering themselves as candidates for teachers of Common Schools in his town, in regard to moral character, learning, and ability to teach school; and he shall deliver to each person examined and found qualified, a certificate signed by him in such form as shall be prescribed by the State Superintendent; which certificate shall be in force for one year from the date thereof, unless annulled within that time, and no person shall be deemed a qualified teacher within the meaning of this chapter who has not such a certificate in force. A certificate granted by any Town Superintendent, as provided in this section, shall not be deemed a legal qualification of a teacher within the meaning of this chapter in joint school districts, except in cases where the school house is situated in the town for which the Superintendent granting the certificate was chosen.*

Certificate, form of.

By whom granted in case of joint district.

May annul certificate.

SEC. 57. The Town Superintendent may annul any such certificate, given by him or his predecessor in office, when he shall think proper, giving at least ten days previous notice in writing to the teacher holding it, and to the District Board of the district in which he may be employed, of his intention to annul the same.

Note to be made and filed

SEC. 58. The annulling of a certificate shall not disqualify the teacher to whom it was given, until a note containing the name of the teacher, and the time when the certificate was annulled, shall be made by the Town Superintendent, and filed in the office of the Town Clerk.†

Re-examination, when may be.

SEC. 59. The Town Superintendent, whenever he shall deem it necessary, may require a re-examination of all or any of the teachers in his town, for the purpose of ascertaining their qualifications to continue as such teachers.

To visit schools.

SEC. 60. It shall be the duty of the Town Superintendent to visit all such Common Schools.

*See Form No. 26. †See Form No. 27 and Note G.

SEC. 61. At such visitation, the Town Superintendent shall examine into the state and condition of such schools, both as respects the progress of the scholars in learning, and the good order of the schools, and may give his advice and direction to the Boards of Directors and the teachers of such schools, as to the government thereof, and the course of studies to be pursued therein.

Duties as visitor.

OF FORMATION AND ALTERATION OF SCHOOL DISTRICTS.

(*See Note H.*)

SEC. 62. Whenever the Town Superintendent shall contemplate an alteration of the boundaries of a school district, he shall give at least five days notice in writing to the Clerk of the district or districts to be affected thereby, stating in such notice the time and place when and where he will be present to hear and decide upon such proposed alteration; and it shall be the duty of such Clerk or Clerks immediately to notify the other members of the Board. In hearing and deciding upon the alteration of a school district, the District Board of the district or districts to be affected by such alteration may apply to the Chairman of the Town Board of Supervisors and Town Clerk, to be associated with the Town Superintendent, and a majority of the Board so constituted shall be necessary to make any change in the boundaries of a school district, and their action shall be final unless duly appealed from.*

Notice of intention to alter district to be given.

Who may constitute Board to divide.

Action final unless appealed from.

SEC. 63. In all cases where an alteration of the boundaries of a school district shall be made, the Town Superintendent shall, within three days thereafter, give notice thereof, by filing a copy of the order so altering the same with the Clerk of the district or districts affected by such alteration; and no alteration of any school district, made without the consent of a majority of the District Board indorsed on such order, shall take effect until three months after notice given as above specified, nor shall any alteration of an organized school district be made to take effect between the first day of December in any one year, and the first day of April following.†

Town Superintendent to give notice of alteration.

Alteration of district when to take effect.

SEC. 64. When a new district is formed, in whole or in part, from one or more districts possessed of a

When new district formed property to be divided.

* See Form No. 28. †See Forms Nos. 29 and 31.

school house, or entitled to other property, the Town Superintendent, at the time of forming such new district, shall ascertain and determine the proportion of the value of the school house and other property justly due to such new district.*

How division made.

SEC. 65. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence in the power of the Town Superintendent; and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion.

Proportion to be raised, how collected and applied.

SEC. 66. Such proportion, when ascertained, shall be raised and collected by tax upon the taxable property of the district, retaining the school house or other property of the former district, in the same manner as other district taxes are collected, and when collected, shall be paid to the Treasurer of the new district, to be applied towards procuring a school house for such district; and the money so paid to the new district shall be allowed to the credit of the taxable property taken from the former district, in reduction of any tax that may be imposed on said taxable property, in the new district, for the building of a school house.

Proceedings when district formed of parts of two or more adjoining towns.

SEC. 67. Whenever it shall be necessary to form a district from two or more adjoining towns, the Superintendents of such adjoining towns shall meet together and form such district and deliver the notice of such formation to a taxable inhabitant of such district, whose duty it shall be to serve such notice, as provided in the second section of this chapter, and the Clerk of the district so formed shall make such report to the Superintendent of each such adjoining town, of such part of said district as may be situate in such town, as is prescribed in the thirteenth section of this chapter; and any district so formed may be altered or regulated by the Superintendents of such adjoining towns as may be deemed necessary.†

WHEN APPEAL MAY BE TAKEN.

In what cases appeal may be taken.

SEC. 68. Any person conceiving himself aggrieved in consequence of any decision made by any school

* See Form No. 30. † See Forms Nos. 2 and 3.

district meeting, or by the Town Superintendent, in forming or altering, or refusing to form or alter any school district, or concerning any other matter under the provisions of this chapter, may appeal to the State Superintendent, who is hereby authorized and required to examine and decide the same; and such decision shall be final and conclusive; *Provided, however*, That the decision appealed from shall be operative until the State Superintendent shall reverse or change the same.

VALUATION AND EQUALIZATION OF PROPERTY.

(*See Note I.*)

Taxes, on what property assessed.

SEC. 69. All taxes raised and collected in any school district for any of the purposes authorized by the provisions of this chapter, except when otherwise provided, shall be assessed on the same kind of property as taxes for town and county purposes are assessed.

How assessment made in certain cases.

SEC. 70. Whenever any real estate in any school district shall not have been separately valued in the assessment roll of the town, and the valuation of such real estate cannot be definitely ascertained from such assessment roll, the Town Clerk shall estimate the value of the same, in proportion to the valuation affixed in said assessment roll to the whole tract of which such lot or piece of land forms a part.

Equalization of assessment of property in joint districts.

SEC. 71. Whenever a school district embraces a part of more than one town, the Town Superintendents of the towns so in part embraced, upon application of any three persons liable to pay taxes in such district, shall proceed to inquire and determine whether the valuations of taxable property in the assessment rolls of such towns are just as compared with each other in respect to such district, and if considered not to be so, they shall determine the relative proportion of taxes to be assessed upon real estate of the parts of such district so lying in different towns, and shall certify the same to the Town Clerk of each town, and if received by him previous to making out the assessment roll for that year, he shall assess the school district tax according to such equalized valuation. In cases where the Superintendents cannot agree as to such valuation, they shall summon a Superintendent from an adjoining town, who shall unite in such inquiry and determination.

DUTY OF TOWN CLERKS.

Town Clerk to keep reports, records, &c.

SEC. 72. It shall be the duty of the Town Clerk to receive and keep all reports made to the Town Superintendent, from Clerks of school districts, and all books, maps and papers belonging to the Town Superintendent when required, and file them in his office; and he shall record, in a book kept for that purpose, such description of school districts, and organization or alteration thereof as shall be transmitted to his office by the Town Superintendent.

DUTIES OF CLERK OF THE COUNTY BOARD OF SUPERVISORS.

(*See Note J.*)

To preserve documents, &c. received from Town and State Superintendents.

SEC. 73. It shall be the duty of the Clerk of the County Board of Supervisors in each county to receive all documents transmitted to him by the Town Superintendents of the several towns in his county, and all communications directed to him by the State Superintendent, and keep the same in his office, or dispose of the same as directed by the State Superintendent.

Clerk to make report annually to State Superintendent.

SEC. 74. The said Clerk shall, on or before the tenth day of October in each year, make and transmit to the State Superintendent, a report in writing, setting forth the whole number of towns in his county, distinguishing those from which the required reports have been made to him by the Town Superintendents, and containing an abstract of their reports.*

Written statement to County Treasurer annually.

SEC. 75. He shall also within the time mentioned in the preceding section, make and deliver to the County Treasurer, a written statement of the whole number of children in each town in the county over the age of four, and under the age of twenty years, as shown by the Town Superintendents' reports, and the Board of Supervisors of each county shall allow to the Clerk thereof such compensation as they may deem reasonable, for the services required of him by the provisions of this chapter.

LIBRARIES AND LIBRARY FUND.

Ten per cent. of all school moneys appor-

SEC. 76. Each Town Superintendent may, in his discretion, set apart a sum not exceeding ten per cent.

* See Form No. 33.

of the gross amount of the school money apportioned to any school district which shall be applied by such districts to the purchase of school district libraries, which shall be the property of such districts; and any resident of a school district, and the parents and guardians of all the children therein, between the ages of four and twenty years, shall be permitted to use books from the school district library of said district without charge, being responsible to the district for the safe return thereof, and for any injury done thereto, according to such rules and regulations as may be established by the State Superintendent; *Provided, however,* That for the city of Milwaukee ten per cent. only on the amount of money received from the State shall be apportioned for library purposes as prescribed herein; *Provided,* That when the District Board or School Commissioners, shall so determine, a portion of the library money, not exceeding one-half the amount so appropriated, may be applied to the teaching of music in such schools.

tioned to districts may be set apart for libraries.

Who may use books of the library.

One-half of library money may be applied to the teaching of music.

Sec. 77. The taxable inhabitants of each school district shall have power, when lawfully assembled at any annual district meeting, to vote a tax on the district not exceeding thirty dollars in any one year, for a district library, consisting of such books as they may direct their District Board, or any other person, at such district meeting, to purchase; and such further sum as they may deem necessary for the purchase of a book case.

District may vote tax for library,

Sec. 78. The Clerk of the district, or such other person as the taxable inhabitants may at any legal meeting appoint by a majority of votes, shall be the Librarian of the district, and shall have the care and custody of the district library.

Librarian, how appointed.

Sec. 79. Every school district library, and the appurtenances thereunto belonging, shall be deemed to be vested in the District Board of the district, so as to enable them to maintain any action for the same, or for the value thereof, or for the recovery of any fine or penalty for damage done to any book or books, or neglect to return, or loss of the same; and all such fines and penalties incurred in consequence of a violation of any regulation lawfully established in respect to district libraries, shall be sued for and collected in the

Fines and penalties, how sued for and collected.

name of such District Board, and when so collected shall be applied for the benefit of such district library.

Adjoining districts may unite libraries, &c.

SEC. 80. The legal voters in any two or more adjoining districts, may, in such cases as may be approved by the Town Superintendent, unite their libraries, and also their library moneys, as they shall be collected or received, and purchase a joint library for such districts, which shall be selected by the District Boards thereof, or by such persons as they shall designate, and shall be under the charge of a Librarian to be appointed by the District Boards of such districts, and the provisions of this chapter shall be applicable to such joint libraries, except that the property in them, and their appurtenances, shall be deemed vested in all the District Boards, for the time being, of the districts so united; and in case any such district shall desire to divide such library, such division shall be made by the Directors of the districts whose libraries are so united, and in case they cannot agree, then such division shall be made by the Town Superintendent.

Librarian to be appointed.

How library to be divided.

OF SUITS AND JUDGMENTS AGAINST SCHOOL DISTRICTS.

Who shall have jurisdiction when school district is interested.

SEC. 81. Justices of the Peace shall have jurisdiction in all cases, in which a school district is a party interested, when the amount claimed by the plaintiff shall not exceed one hundred dollars, and the party shall have the same right of appeal as in other cases; and when an action shall be brought against any school district, it shall be commenced by summons, a copy of which shall be left with the Director of such district.

Execution not to issue.

SEC. 82. No execution shall issue on any judgment against a school district, nor shall any action be brought thereon; but the same shall be collected in the manner prescribed in this chapter.

How such judgment to be certified.

SEC. 83. Whenever any final judgment shall be obtained against any school district, if the same shall not be removed to any other court, the Director of such district shall certify to the Town Clerk of the town, the date and amount of such judgment, with the name of the party in whose favor the same was rendered; and if such judgment shall be removed to another court, the Director shall certify the same as aforesaid, immediately after the final determination thereof against the district.

SEC. 84. If the Director shall fail to certify such judgment, as required in the preceding section, it shall be lawful for the party obtaining the same, his agent or legal representatives, to file with the Town Clerk of the town, the certificate of the Justice or Clerk of the court rendering the judgment, showing the facts which should have been certified by such Director. How such judgment to be certified.

SEC. 85. If the district against which any such judgment shall be rendered, is situate in parts of two or more towns, a certificate thereof shall be delivered as aforesaid to the Town Clerk of each town in which such district is in part situated. How certified in joint districts.

SEC. 86. The Town Clerk receiving either of the certificates of a judgment as aforesaid, shall proceed to assess the amount thereof, with interest from the date of such judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of said district, placing the same on the next town assessment roll in a separate column, and the same proceedings shall be had thereon, and the same shall be collected and returned, in the same manner as other town taxes, and shall be paid to the party entitled thereto. If such district is situated in two or more towns, the Clerk of each town shall on demand of any person interested, furnish for the Clerk of every other town in which any part of the district is situated, a certificate showing the total amount of the valuations of taxable property in that part of the district situate in his town, according to the last assessment roll of said town, and the amount of the judgment shall be assessed upon the respective parts of the district within the several towns in proportion to such valuation. In all cases when for any reason, the Clerk of any town has heretofore failed, or shall hereafter fail to assess the amount of any such judgment, or the proper proportion thereof, in the next assessment roll after the rendition of the judgment, it shall be his duty to assess the same in any subsequent assessment roll within two years thereafter, upon the taxable property within the district, or part of a district, situate within his town, according to its limits at the time of making the assessment. Judgment to be assessed by Town Clerk on taxable property of district. How assessed in joint districts.

PENALTIES AND LIABILITIES.

Forfeiture for neglect to serve notice, and to act as Chairman.

SEC. 87. Every taxable inhabitant, receiving the notice mentioned in the first and second sections of this chapter, who shall neglect or refuse duly to serve and return said notice, and every Chairman of the first district meeting in any district, who shall willfully neglect or refuse to perform the duties enjoined on him in this chapter, shall respectively forfeit the sum of five dollars.

Penalty for neglect or refusal to serve as district officers.

SEC. 88. Every person duly elected to the office of Director, Treasurer or Clerk of any school district, who shall neglect or refuse without sufficient cause, to accept of such office, and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this chapter, shall forfeit the sum of ten dollars.

Penalty on Superintendent for neglect or refusal to make his annual report to Clerk of Supervisors.

SEC. 89. Every Town Superintendent who shall neglect or refuse to make and deliver to the Clerk of the County Board of Supervisors his annual report, as required in this chapter, within the time limited therefor, shall be liable to pay the full amount of money lost by such neglect or refusal, with interest thereon, to be recovered by the Town Treasurer in the name of the town.

Penalty on Clerk of Board for neglect to make his report to State Superintendent.

SEC. 90. Every Clerk of the County Board of Supervisors, who shall neglect or refuse to make the report required in this chapter to be made by him to the State Superintendent within the time therefor limited, shall be liable to pay to each town the full amount which such town, or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the preceding section.

How certain penalties to be applied.

SEC. 91. All moneys collected or received by any Town Treasurer, under the provisions of either of the last two preceding sections, shall be apportioned and distributed to the school districts entitled thereto, in the same manner and in the same proportion, that the moneys lost by any neglect or refusal therein mentioned would, according to the provisions of this chapter, have been apportioned and distributed.

Penalty on Clerk of dis-

SEC. 92. Every Clerk of a district who shall willfully sign a false report to the Town Superintendent of his

town, with intent of causing such Town Superintendent to apportion to his district a larger sum than its just proportion of school moneys of the town, shall be deemed guilty of a misdemeanor, and punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

trict for making false report.

SEC. 93. Every school district Clerk who shall neglect or refuse to deliver to his successor in office, all records, books and papers appertaining to such office, shall be subject to a fine not exceeding fifty dollars.

Same for not delivering books, &c., to his successor.

[*Chapter* cxxxviii, *General Laws* 1858.

SEC. 13. It shall be the duty of the Town Superintendent of schools in each town, to prosecute any district Treasurer of his town, whenever such Treasurer shall use or pay out any moneys in his hands belonging to his district, without authority of law. In case such Superintendent shall neglect or refuse to prosecute such district Treasurer, he shall be liable to a penalty of fifty dollars, to be recovered by the Town Treasurer of his town, on the official bond of said Superintendent.]

Penalty on District Treasurer for paying out or using district moneys illegally.

MISCELLANEOUS PROVISIONS.

SEC. 94. It shall be competent for any legally organized school district in this State, to commence action on the official bond of the Town Superintendent of Common Schools of the town in which such district is situated, for the recovery of any moneys lawfully due and belonging to such district, in all cases where such Town Superintendent shall neglect or refuse, for the space of ten days from the time by law fixed therefor, to apportion and pay over to the proper officer of such district, the school moneys aforesaid.

Districts may sue Town Superintendents on bond, in certain cases.

SEC. 95. It shall also be competent for such school district, or the Town Superintendent of Schools, in case of default of the Town Treasurer or County Treasurer to pay over to the Town Superintendent of the town in which such district is situated, the school moneys which by law should be paid over to such Superintendent, to commence action on the official bond of such Town or County Treasurer, for the recovery of such moneys.

District or Town Superintendent may sue Town and County Treasurer in certain cases.

SEC. 96. For the purpose of this chapter, the said school district, or the said Superintendent, shall have

How to commence suit on bond.

full power and right to commence action in the name of the persons or officers to whom any bond as aforesaid shall be given, and to control and prosecute such action without hindrance from the nominal plaintiffs to such action provided that such district or town, as the case may be, shall be justly responsible for any costs that may be finally adjudged against the plaintiff.

District liable for costs.

Certified copy of bond by officer holding it, sufficient proof

SEC. 97. In the prosecution of actions under this chapter, a copy of the official bond sued upon, duly certified by the officer in whose custody such bond is placed by law, shall be deemed sufficient for all purposes of proof required in law, in said actions. And any actions under this chapter, in which the sum claimed to be justly due shall not exceed the sum of one hundred dollars, may be commenced and prosecuted before any Justice of the Peace in the same manner as other cases.

When suit may be commenced before justice.

Town Superintendent shall make maps of all districts in his town.

SEC. 98. It shall be the duty of the Town Superintendent of each town, to make a map of all the school districts [and parts of districts] in his town, specifying the sections, parts of sections or other subdivisions therein embraced, and file the same with the Town Clerk on or before the first Monday of September next; and also a map of each district, in like manner, and file the same with the Clerk of such district within the time above specified. And whenever thereafter any alteration shall be made in the boundaries of any school district, the Town Superintendent shall cause such alteration to be marked on the map and filed with the Town Clerk, and on the map of the district or districts affected by such alteration. In case of the formation of a new district, he shall furnish the Clerk of such new district with a map thereof, and cause the same to be marked out on the map filed in the Town Clerk's office.

Same to note alterations.

Same to furnish Clerk of new district with map.

State Superintendent to provide districts with all amendments to this law.

SEC. 99. Whenever hereafter, any amendment shall be made to the provisions of this chapter, it shall be the duty of the State Superintendent to furnish a copy of such amendment to every school district in the State.

OF BORROWING MONEY BY SCHOOL DISTRICTS.

Districts may borrow money

SEC. 100. Whenever any school district within this State, shall desire to make a loan of money to aid in the

erection of a school house or houses, the question of a loan shall first be submitted to the legal voters authorized to vote at an annual school meeting, the vote to be taken by ballot; those voting in favor of the loan shall have written or printed, or partly written and partly printed, on their tickets "*For the Loan;*" and those voting against the loan shall have written or printed, or partly written and partly printed, on their tickets "*Against the Loan.*" And provided a majority of all the legal voters resident in the district shall vote in favor of the loan, then the Board of Directors of any such school district, the Trustees of any village, the Common Council of any city, or the Boards of Education for such village or city within the bounds of which any such school district is located, shall have power and authority to borrow money, to aid in the erection of a school house or school houses under the restrictions hereinafter mentioned.

to build school houses, &c.

SEC. 101. The money loaned in pursuance of the provisions of the preceding section shall not be borrowed for a longer period than five years, and shall draw such rate of interest as may be agreed upon by the parties, but in no case exceeding a greater rate than twelve per cent. per annum; and the said Board of Directors, Trustees, Common Council, or Board of Education is hereby authorized to give notes, bonds, or execute a mortgage* upon any of the property, real or personal, belonging to the district making the loan, to secure the payment of the principal and the interest on the sum so borrowed; and the sum so borrowed shall in no case exceed ten per cent. on the valuation of the real estate contained in the district for the benfit of which the loan is made, according to the valuation contained in the last assessment roll or rolls of the town or towns, village or city, in which any such school district may be situated.

Length of time; rate of interest; &c., conditions and restrictions.

WISCONSIN JOURNAL OF EDUCATION—HOW SUBSCRIBED FOR AND DISTRIBUTED.

SEC. 102. The State Superintendent of Public Instruction from year to year, so long as he shall deem expedient, is hereby authorized to subscribe for so many copies of the *Wisconsin Journal of Education*,

Journal of Education may be subscribed for.

*See Forms Nos. 36 and 37.

published by the State Teachers' Association, at the price of fifty cents per year, as shall be sufficient to supply one copy to each organized school district in the State, and one copy to each Town Superintendent of schools in the State; *Provided*, The State Superintendent be allowed to publish, free of expense to the State, any and all matters of an educational character that he may wish to publish from month to month in the columns of said *Journal*. The said periodical shall be sent by the publishers to the Clerk of each school district in the State, and to each Town Superintendent in the State. It shall be the duty of each District Clerk to cause each volume to be bound at the expense of the district, and to be kept in the library of such district, subject to the general library regulations.

How sent, and to whom.

How paid for.

SEC. 103. A sum sufficient to pay for the number of copies of said *Journal*, so subscribed for, is hereby annually appropriated out of the income of the School Fund, and the same shall remain in the State Treasury subject to the draft of the State Superintendent of Public Instruction, to be drawn quarterly, and paid over to the publisher of said *Journal*.

Amount so taken to be deducted.

SEC. 104. In making the annual apportionment of the School Fund among the several towns and cities of this State, it shall be the duty of the State Superintendent to deduct from the whole amount otherwise subject to apportionment such sum as may be necessary to pay for the said *Journal* at the price above named.

State Superintendent to report to State Treasurer the amount so deducted.

SEC. 105. In certifying to the State Treasurer the apportionment of the income of the School Fund annually, the State Superintendent shall state in such certificate the aggregate amount deducted according to the provisions of this chapter.

CHAPTER CXXXVIII.—GENERAL LAWS.

Published June 1st, 1858.

OF UNION SCHOOLS.

[The first eleven sections of this act were amendatory to the law of 1854, which amendments have been in their proper sections, incorporated in chapter 23 of

the Revised Statutes as herewith given, for which reason, the first eleven sections of the act above referred to are not here re-published.]

Sec. 12. Whenever two-thirds of the legal voters of any two or more adjoining school districts shall at an annual meeting, by vote, determine to form a Union District for High School purposes, it shall be the duty of the Clerks of the districts so voting to furnish the Town Superintendent a certified copy of the minutes of said meeting, together with the names of those voting for and against said proposition. Upon receiving such notice it shall be the duty of the Town Superintendent to determine and establish the boundaries of said Union District, and file a copy of such order with the Town Clerk. He may also, upon application, include persons and lands in adjoining districts in said Union District, according to his discretion.* Of Union High School Districts.

2. The control of such Union District shall be vested in a Board, consisting of Director, Treasurer and Clerk, who shall be elected in the same manner and hold their offices the same as officers of the District Boards, subject to the same rules and penalties: *Provided,* That the Town Superintendent shall have power to appoint the first Board of such Union District. Board.

3. The expenses of said Union School District incurred in purchasing or leasing school houses or sites, in building or repairing school houses, out-houses, fences, &c., in hiring teachers, and in establishing and carrying on said High School, shall be defrayed by a tax upon the real and personal property of said Union District, to be called the Union High School tax. Said tax shall be voted by said Union District, at its annual or special meetings, and shall be levied and collected in the manner hereinbefore provided for the assessment and collection of district taxes. No fee for tuition shall be charged or collected: *Provided,* however, That such tuition fee may be charged and collected from scholars not residing in the Union District, which fee or fees shall go into the general fund of said Union District. Taxes, how levied and collected. Tuition fee.

4. The Board of said Union District, together with the Town Superintendent, shall constitute a Board to Board of examination.

*See Forms Nos. 38 and 39.

determine the standard of qualification necessary for admission, the branches to be taught, and the books and apparatus to be used in said High School; and shall also examine all candidates for teaching in such High School, and award certificates to those deemed competent.

Annual meeting.

5. The annual meeting of the Union School districts shall be held on the Wednesday after the last Monday in September in each year, and such meeting shall have power to transact all business as prescribed in section 11 of the act of which this act is amendatory.

6. Special meetings may be held as provided in section 12 of said act.

How formed when composed of districts in two or more towns.

7. When it is proposed to form Union Districts of territory lying in two or more adjoining towns, then the respective Superintendents of those towns shall act in concert in the formation of such Union District, as now required in the formation of joint districts, and the Superintendent of the town in which the house shall be situated, shall have the superintendence and control of said Union District after its organization.

Primary districts not impaired.

8. Nothing in this law shall be construed so as to impair the organization of primary districts within such Union District.

* * * * * *

Sec. 14. This act shall take effect and be in force from and after its passage and publication; and all acts and parts of acts contravening the provisions of this act, are hereby repealed.

REGULATIONS CONCERNING APPEALS.

BY THE STATE SUPERINTENDENT.

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1. An appeal must be in writing, signed by the appellant; and all the facts therein stated, with the accompanying maps and papers, intended to be presented in support of it, must be verified by oath.

2. When the appeal has relation to the formation or alteration of a school district, it must be accompanied by a map of the district, exhibiting the site of the school house, the location of each inhabitant residing therein, the roads and lines of the old and new district, the streams of water, marshes, lakes, &c., in the districts, and all other information bearing upon the case. Also, a list of the value of the taxable property, taken from the last assessment roll, and the number of children between four and twenty years of age, belonging to each inhabitant, distinguishing the districts to which they respectively belong.

3. When any proceeding of a district meeting is appealed from, any one or more of the inhabitants of such district who voted for the proceeding, or sustained the action appealed from, may answer the appeal, if the same is not answered within thirty days by the District Board.

4. When the appellant is the District Board, a majority must sign the appeal.

5. A copy of the appeal, duly verified by oath, and of all the statements, maps and papers, intended to be presented in support of it, must be served on the officer or officers whose act or decision is com-

plained of, or some one of them; if it is from the decision or proceeding of a district meeting, upon the District Clerk, or one of the District Board, whose duty it shall be to cause information of such appeal to be given to the inhabitants who voted for the decision or proceeding appealed from; such service must be made within thirty days after the making of the decision, or the performance of the act complained of, or within thirty days after the knowledge of the cause of complaint came to the appellant, or some satisfactory excuse must be rendered for the delay.

6. The party on whom the appeal is served must, within fifteen days from the time of such service, answer the same, either by concurring in a statement of facts with the appellant, or by a separate answer. Such statement and answer must be in writing, and be signed and verified by oath, by the party making it.

7. A copy of the answer, duly verified by oath, and all of the statements, maps and papers, intended to be presented in support of it, must be served on the appellant, or some one of them, within fifteen days after the service of the appeal, unless further time shall be allowed by the State Superintendent, on application, in special cases.

8. Affidavit, or admission of service of copies of the appeal, answer, and all other papers intended to be used on the hearing of the appeal, must in all cases accompany the same.

9. No replication or rejoinder shall be allowed, except by permission of the State Superintendent, upon an affidavit, showing that new facts have come to the knowledge of the party wishing the rejoinder, since the appeal or answer has been submitted to the State Superintendent.

10. All decisions on appeal must be filed or recorded as the State Superintendent shall direct.

11. The decision of an appeal by the State Superintendent being "final and conclusive," in no case can a rehearing be granted, after a case has been once decided.

12. The first regulation of the Department concerning appeals, is, "An appeal *must* be in writing, signed by the appellant; and *all* facts therein stated, with the accompanying maps and papers, intended to be presented in support of it, *must* be verified by an

oath." The regulations also imperatively require that a copy of the appeal, duly verified by oath, with all the accompanying statements, maps and papers, *must* be served by the appellant on the opposing party; and a copy of the answer *must* be duly served on the appellant. Notwithstanding these requirements are so plain and positive, there are persons who imagine they *must* visit the State Superintendent in person, and explain and enforce their view of the question at issue. The Superintendent, to be just to himself and his position, can not consent to hear any *ex-parte* statements; he can *only* receive and entertain papers in appeal cases, properly verified, and properly served on opposing parties; and it is only upon such cases, so presented, that a decision can be rendered. The decision must be made from *the record*, and no amount of personal visiting and plying the State Superintendent, can in the least affect the result. It is, therefore, very desirable that parties interested in appeals should *not* personally apply to the State Superintendent with a view or hope of influencing his action. He is determined to hear and examine cases only when "*in writing*," duly "verified," and properly served on opposing parties.

SCHOOL LIBRARIES.

THEIR USEFULNESS AND IMPORTANCE.

Too little importance, it is to be apprehended, has been paid to the formation of School Libraries. Books, *good* books, are everything for children, while forming their characters for life. The mind, as well as the body, craves its peculiar food, and if it has not proper mental nourishment, it will naturally seek that which is improper—thus vicious tastes, idle habits, and the most lamentable ignorance will be the natural and inevitable consequence. It was books that made our FRANKLINS, WASHINGTONS, and WEBSTERS, the great and useful men they were; and it will be books that will fit our youth for the future part they are destined, under Providence, and their own

manly exertions, to act in the great drama of human life—as statesmen, authors, good citizens, and custodians of our unequalled Republic.

Parents of Wisconsin! Will you arouse yourselves to the incalculable importance of early securing good School Libraries? Though the times *are* hard, and money difficult to obtain, yet you never think of making this an excuse for retrenching necessary food for yourselves and your children. The mind, the young mind, needs its mental food as much, nay more; and you will act a very unwise part to withhold it for a single day. Form your School Libraries, though it may require great sacrifices and self denial to effect it. In the end, when your beloved children are grown up, wise, and good, and great, you will bless the day when you, as faithful and considerate parents, "chose the good part" for your children, that in all the after misfortunes of life, could never be taken from them.

If your district is too small to enable you to form the needful library, unite with a neighboring district or districts, or even a whole town, as provided in section 80, of the School Code; secure a judicious selection of books; choose a central locality and a good Librarian; and then take special pains to use the books yourselves, for *example* is always the most effective instruction a parent can impart to his children.

Do not, I beseech you, purchase a few showy volumes of some vagabond peddler, on *Highwaymen and Robbers*, and such worthless trash, and call *that* a library; for such books would only tend to inculcate in the minds of your children a desire to become themselves desperadoes. There should be much care and discretion exercised in making the choice; and it will ever be the pleasure of the Superintendent of Public Instruction, as the law makes it his duty, "to advise in the selection of books for school district libraries."

How are you to provide the necessary means with which to procure a good library? Ten per cent. of the gross amount of all school money apportioned to each district may be set apart by the Town Superintendent. If this is rarely done, it is simply because the districts do not make such a wish known to that officer. You can furthermore vote a tax not exceeding $30 00 a year at any annual or special meeting of your district for a library, and any further necessary sum for a book-case. If these two sources are insufficient to

provide such a library as the wants of your district, or union of districts, require, then go to work, appeal to your neighbors, and raise the needed additional amount by subscription.

It may interest you to learn, that an earnest appeal will be made to the Legislature in behalf of School Libraries. Better provision ought to be made for them—some State encouragement should be granted, and then this all-important matter ought no more to be left optional with the districts, than whether they should sustain a school and educate their children. It ought to be a component part of our educational system, that either district, union or township libraries *should* be established, and not left, as it now is, merely optional—for it but too generally follows, that what is everybody's business is nobody's business; the library is consequently not provided, and the two hundred and fifty thousand children of our State grow up, taught perhaps to read, and yet nothing whatever provided for them to read.

Fathers, mothers, and citizens of Wisconsin! Will you not make it *your* business to agitate this matter of School Libraries? I believe the people are not only ready, but anxious to inaugurate a new era in the School Library system of our State. If so, you can, if you will, make your influence *felt* in the Legislature, and this greatly needed reform will then surely be effected. If, however, you are careless and indifferent—think of nothing but perishable pigs and cattle, leaving your dear immortal children to grow up in ignorance, though craving and pleading for School Libraries—if you are thus stupid and indifferent, can you reasonably expect your Legislators to feel or act differently? In the impressive language of the best of all books, "*I speak as unto wise men—judge ye what I say.*"

LIBRARY REGULATIONS.

REGULATIONS EMBODIED IN THE LAW.

1. The State Superintendent shall prescribe rules and regulations for the management of school district libraries, and the penalties for their violation.

2. Each Town Superintendent may, in his discretion, set apart a sum not exceeding ten per cent. of the gross amount of the school money apportioned to any school district, which shall be applied to the purchase of a district library.

3. Any school district failing to comply with the library regulations, or to expend all the library money according to law, before the first day of September after it is received, forfeits the succeeding apportionment.

4. Any resident of a school district, and the parents and guardians of all the children therein, between the ages of four and twenty years, shall be permitted to use books from the school district library of said district without charge.

5. Any school district may raise by tax, annually, the sum of thirty dollars for a district library, and such sum as is necessary for the purchase of a book-case.

6. The district meeting may elect a Librarian; otherwise the Clerk of the district shall be the Librarian.

7. All fines incurred by violation of the library regulations shall be sued for and collected in the name of the District Board, and in case of Joint Libraries, by the Boards of the districts whose Libraries are joined, and applied for the benefit of the library.

8. Any two or more adjoining districts may, with the consent of the Town Superintendent, unite their means and form a joint library, which shall be deemed vested in the District Boards of the districts so uniting their libraries; and the Librarian shall be appointed by such District Boards. The division of a joint library, when desired, shall be made by the Directors of the districts concerned in it, or in case they cannot agree, by the Town Superintendent.

REGULATIONS BY THE STATE SUPERINTENDENT.

9. The District Librarian shall have charge of the library, and keep a catalogue of all the books in the library under his care, in a book to be provided by the district for that purpose.

10. Every volume in the library shall have pasted on the inside of the cover a printed paper, specifying the name of the district; the number of the volume; the time books are allowed to remain out of the library; the fine for not returning them within the specified time,

and for loss of or injury to the books. Blanks for this purpose will be furnished to the Districts upon application to this Department.

11. Every volume loaned shall be entered by the Librarian in a book, to be provided by the district for that purpose, by its number, with the day on which it was loaned; the name of the borrower, and the name of the person to whom it is charged, (see Regulation 13;) the date when returned, and condition of the book; the fine assessed for detention or injury done to the book, in the following form:

Time of delivery.	No. of book.	To whom delivered.	To whom charged.	When returned.	Condition of book.	Fine for detention.	Fine for injury.
1858. June 10.	44	Jno Ward.	Wm. S. Green.	June 24.	Good.		

12. No person shall be allowed to have more than one volume at a time, or retain the same longer than two weeks; nor shall any person, who has incurred a fine imposed by these regulations, receive a book while such fine remains unpaid.

13. Books may be loaned to minors and charged to their parents, guardians, or the person with whom they reside, who shall be responsible for the books under these regulations.

14. On the election of a Librarian, his predecessor shall, within ten days thereafter, deliver to him all the printed and manuscript books, pamphlets, papers, cases, and all other property belonging to the library which was in his custody, for which the Librarian shall give him a full receipt, discharging him from all responsibility therefor, except in the case herein provided; and on receiving the library property, the Librarian shall carefully examine all the books, etc., and if any loss or injury shall have been sustained, for which a fine has not been imposed by his predecessor, or for which a fine has been imposed and not certified by him to the Treasurer, the Librarian shall certify the amount thereof to the Treasurer, who shall collect the same of such predecessor in the same manner as other fines are collected.

15. In case of a vacancy in the office of Librarian, the District Clerk shall perform the duties of Librarian, until the vacancy is filled.

16. If any person having held the office of Librarian shall neglect or refuse to deliver to his successor all the library property, as pre-

scribed in the fourteenth regulation, the director shall forthwith commence an action in the name of the District Board, for the recovery of the property he shall so neglect or refuse to deliver.

17. On the return of every book to the library, the Librarian shall examine it carefully, to ascertain what injury, if any, has been sustained by it, and shall charge the amount of fine accordingly; and in every case of injury not specified in these regulations, he shall assess the amount of damages to be paid, subject to revision by the District Board.

18. The following fines are established by the State Superintendent, viz:

1st. For detaining a book beyond two weeks, five cents per week.

2nd. For the loss of a volume, the cost of the book; and if one of a set, an amount sufficient to replace it, or to purchase a new set.

3rd. For a leaf of the context torn out and lost, or so soiled as to render it illegible, the cost of the book.

4th. For any other injury beyond ordinary wear, an amount proportionate to the injury, to be estimated by the Librarian.

5th. Whenever any book shall not be returned within six weeks from the time it was loaned, it shall be deemed to be lost, and the person so detaining it, shall be charged with its cost in addition to the weekly fine for detaining the book, up to the time such charge is made. But if the book is finally returned, the charge for loss shall be remitted; and the fine for not returning the same be levied up to the time of such return; *Provided*, That in no case shall the amount of weekly fines exceed double the cost of the book.

19. On the third Monday of August, November, February and May, and also immediately before he vacates his office, the Librarian shall report to the District Treasurer the names of every person liable for fines, and the amount each such person is liable to pay; and the Treasurer shall give the Librarian a certificate of the same, and immediately proceed to collect the same, and if not paid, shall so certify to the Director, who shall forthwith bring an action in the name of the District Board for the recovery thereof.

20. All library fines shall be paid to the District Treasurer, who shall keep account of the same, and shall report thereon to the annual district meeting, giving the name of each individual fined, the

amount of the fine, and the sum total of all fines, which report shall be recorded by the Clerk; and the District Treasurer shall be responsible for all fines not collected through his neglect.

21. On the first day of September in each year, the Librarian shall report to the District Clerk, as follows:

1st. The number of volumes in the library;

2d. The number of volumes purchased during the year;

3d. The number of volumes presented during the year;

4th. The number of volumes loaned during the year [*counting each volume one for each time it is loaned*];

5th. Amount of fines collected;

6th. Amount of fines unexpended;

7th. Amount of fines remaining expended.

22. The District Clerk in his annual report to the Town Superintendent, shall state—

1st. The number of volumes in the library;

2d. The number of volumes purchased during the year;

3d. The number of volumes presented during the year;

4th. The number of volumes loaned during the year;

5th. Amount of library money received from Town Superintendent;

6th. Amount of library money raised by tax in district;

7th. Amount expended in purchasing books;

8th. Amount remaining unexpended;

9th. Amount of library fines collected;

10th. Amount of fines expended.

11th. Amount of fines unexpended, and also certify whether the library regulations have been complied with.

23. The Town Superintendent in his annual report to the Clerk of the County Board of Supervisors, and the Clerk of the County Board of Supervisors in his annual report to the State Superintendent, shall, in addition to what is already required, report the following facts for the town and county, respecti vely:

1st. The number of district libraries;

2d. Numbers of joint libraries;

3d. Number of volumes in all the libraries;

4th. Number of volumes purchased during the year;

5th. Number of volumes presented during the year;

6th. Number of volumes loaned during the year;

7th. Amount of library money received from the town;

8th. Amount of public money expended for libraries;

9th. Amount of money raised by tax and expended for libraries

10th. Amount of fines collected;

11th. Amount of fines expended;

12th. Amount of fines remaining unexpended.

24. The library fines collected must first be applied to the replacing of lost volumes, binding pamphlets, and the Journal of Education, and rebinding such books as may require it.

25. By reference to the latter clause of Section 102, of the foregoing School Law, it will be seen that it is made the duty of the District Clerk to preserve the copies of the *Journal of Education*, in order to have them bound for the use of the Library; and until they are thus bound, the Clerk must preserve the copies and not suffer them to be taken from his possession except for consultation by the District officers.

26, These regulations shall apply equally to joint libraries; and when a joint library is formed, the district boards, having the control of the same, shall appoint one of the Treasurers of their respective districts Treasurer of the library, who shall collect all fines levied by the Librarian; and in case the District Boards can not agree as to which of the Treasurers shall be Treasurer of the library, then the Treasurer of the district in which the library is situated shall perform the duties of the office.

27. The Librarian and Treasurer of every joint library shall report all matters specified to be reported by them in these regulations, directly to the Town Superintendent, and shall furnish the Board of each district concerned in the library with copies of such reports, which shall be recorded by the Clerks, and laid before the annual district meetings; and no Clerk of a district concerned in a joint library shall be required to report on library matters herein specified to the Town Superintendent, except with regard to the receipt and expenditure of library moneys; but he shall certify that the library regulations have been observed, or otherwise, as the case may be.

28. In case of a joint district, the Clerk shall report all matters connected with the library to the Town Superintendent of the town in which the library is situated, with the exception of the receipt and expenditure of library moneys, which shall be reported to each Town Superintendent from whom such moneys have been received; and a certificate of compliance with the library regulations shall be made to each such Town Superintendent.

29. In case of a joint library, the proprietary districts of which lie in two or more towns, the Treasurer and Librarian shall report as required by the twenty-sixth regulation to the Town Superintendent of the town in which the library is located.

No. 30. No person holding the office of District Treasurer shall be eligible to the office of Librarian.

31. On the resignation of the Librarian of a joint library, the District Boards shall immediately appoint another Librarian, who shall enter upon the duties forthwith.

INSTRUCTIONS

FOR CONDUCTING PROCEEDINGS UNDER THE SCHOOL LAW.

PREPARED BY THE

SUPERINTENDENT OF PUBLIC INSTRUCTION,

In pursuance of Section 11, *of Chapter* 138 *of General Laws of* 1858.

As questions frequently arise in the administration of the School Law by school districts and Town Superintendents, which cannot satisfactorily be settled in the towns where they originate, the opinion of the State Superintendent is solicited as to the proper construction of the law, and the best mode of extricating themselves from real or imaginary difficulties. This has given rise to an extensive correspondence with school officers and others, which has not been diminished by the numerous and repeated decisions that have been made, of which the records bear evidence. It is designed, in the following

pages, to provide the requisite forms for proceedings in the administration of the law, accompanied with such explanatory notes and instructions as are thought necessary to aid school officers in the performance of the duties devolving upon them.

There is also included in this volume, a digest of the decisions made and opinions given, by this Department, upon the points that most frequently arise, which it is hoped will not only save the trouble and expense of a correspondence heretofore deemed necessary, but obviate delays, and prevent, in some measure, difficulties that might otherwise arise.

School officers, and others, are invited to a free and unrestricted correspondence upon all subjects relating to the School Law or educational interests of the State.

NOTES.

Note A.

OF THE FORMATION OF SCHOOL DISTRICTS, AND THEIR POWERS AS CORPORATE BODIES.

The principal object of the Town Superintendent in forming school districts should be, as far as possible, to secure permanent and efficient districts, with a sufficient amount of taxable property and number of children to maintain a school at least six months each year, affording the requisite facilities for the regular attendance of all the children residing in the district. He should especially avoid dividing districts so as to render them so small as to cripple and deprive them of the power of maintaining good schools and paying the wages demanded by a good teacher; as it is of vastly more importance to every neighborhood, every parent and every child to have good and efficient schools than to save a few dollars in taxes for teachers' wages. As it is plainly impossible to lay down even a general rule as to the proper size of a district, the Superintendent must be guided by his own good judgment; but about four sections of land in a tolerably well settled country, with from forty to eighty scholars, would be a

good standard size. Such a district could maintain a good school easily for ten months a year, without suffering from heavy taxation. And every district, feeling a proper regard for the interests of the rising generation, should endeavor not to be satisfied with a three months' school—barely complying with the law, so as to receive their share of the apportionment. Our free school system is lifeless without the sustaining hand of the people; hence the necessity of securing the co-operation of the inhabitants interested, and of avoiding all occasions for strife and dissensions which destroy, in a measure, the prosperity and efficiency of the district.

It is, in many cases, impossible to satisfy all in the formation or alteration of the boundaries of school districts, and the Superintendent, having discharged his duty impartially, should endeavor to reconcile disaffected persons to the changes made; but it is better to submit to many temporary and local inconveniences than to create general dissatisfaction by alterations that may even be highly judicious and beneficial.

If, in the formation of a new district, it is contemplated to change the boundaries of a district already organized by setting off a part of its territory into the new district, the notice required by section sixty-two must be given to the Clerk of such district, who will notify the other members of the Board. (See Form No. 28, and Note.)

Having determined upon the boundaries of a new school district, the Town Superintendent must, within three days, notify the Clerk of the district affected by the formation of such new district, of the alteration made in its boundaries. If the District Board give their consent to the alteration, this notice may be given by delivering to such Clerk a copy of the order forming such new district with the consent of the District Board indorsed thereon. The change will then take effect from the date of filing such notice unless otherwise specified in the order.

If the District Board refuse their consent, the alteration will not take effect until three months after the filing of such notice. (See Form No. 29.)

In all cases of the formation of a school district, the Town Superintendent is required to give immediate notice to the Town Clerk, (see Form No. 1); and must specify in the notice the time when the

order forming the district will take effect. In case of the formation of a joint district, the notice must be given as in Form No. 2.

It would be advisable for the Town Superintendents, as far as possible, to avoid the formation of joint districts, as a very large share of trouble in districts, and of appeals to this department, arise from joint districts alone. The government and management of joint districts being divided between two or more towns, render them always liable to trouble and conflict between officers.

Notice of the first meeting of a district to organize (see Form No. 3, and Note) should be given within twenty days after the formation takes effect; but if for any cause it is not so given, it may be at a subsequent time.

The person appointed for that purpose should notify every voter in the district of such meeting, and in case of absence from home of any voter he must leave a notice (see Form No. 4) at his place of residence. Form No. 5 may be used in making the return upon the notice given by the Town Superintendent; which notice and return must be recorded as a part of the record of the first meeting, thus furnishing the district with an official description of its limits.

No person can now vote in a school district meeting, who is not qualified to vote at a general election for State and County officers, and who has not resided in the district for the ten days immediately preceding the meeting at which he offers to vote. The qualifications requisite for a voter at a general election are as follows:

"Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the State for one year next preceding any election, shall be deemed a qualified voter at such election:

"1. White citizens of the United States;

"2. White persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization;

"3. Persons of Indian blood, who have once been declared by law of Congress to be citizens of the United States, any subsequent law of Congress to the contrary notwithstanding;

"4. Civilized persons of Indian descent, not members of any tribe.

"No person under guardianship, *non compos mentis*, or insane, shall be qualified to vote at any election; nor shall any person convicted of treason, felony, or bribery, unless restored to civil rights; nor shall any person who, being an inhabitant of this State, may hereafter be engaged, directly or indirectly, in a duel, either as principal or accessory, be permitted to vote at any election; nor shall any person who shall have made, or become, directly or indirectly, interested in any bet or wager depending upon the result of any election at which he shall offer to vote, be permitted to vote at such election."

The law provides, that a school district shall be deemed duly organized when any two of the officers elected shall have filed their written acceptance of the offices to which they have been respectively elected, with the District Clerk; and as none but an *organized* district has any powers under the law, it follows that at the first meeting of a district after its formation, no further business can be legally transacted than the election of officers, unless the persons elected are present and immediately file their written acceptance. (See Form No. 7.)

The law also declares that a district shall be *legally* organized after it shall have exercised the franchises and privileges of a school district for the term of two years; but this does not imply that the district is not fully organized, and has all the rights and privileges of a duly organized school district. In the case of a joint district, the organization is complete upon the election and qualification of its officers, nor can one Town Superintendent, before it shall have been organized two years, alter its limits without the consent and co-operation of the Superintendents of all those towns in which any part of such joint district may be situated.

The qualified voters of a district, when assembled at the first meeting, have the same power to transact business at the annual meeting.

Note B.

DISTRICT MEETINGS.

The time for holding the annual meeting in each district is fixed by law at six o'clock in the afternoon, of the last Monday of Sep-

tember in each year; but any annual meeting may change the *hour* for holding the next annual meeting by vote, duly recorded. For notice of annual meeting, see Form No. 8.

Special meetings may be called by the Clerk, or in his absence by the Director or Treasurer, on the written request of any five legal voters of the district; and the qualified voters legally assembled at a special meeting, have power to transact the same business as the annual meeting.

Section twelve of the School Laws, provides that a special meeting may have power to transact the same business as at the first and each annual meeting. In case of the destruction of a school house by fire, or in case of any other emergency, it may become necessary to levy a tax and proceed at once to its collection. To obviate the difficulty experienced under the old law, this power was conferred upon special meetings, and the sections of the Revised Statutes of 1849, quoted between sections thirty-six and thirty-seven, of this edition of the School Law, were revived, and are now in force, in relation to the assessment and collection of school district taxes voted at any such special meeting.

But no business can be legally transacted at a special meeting which was not specified in the notice calling it. (See Norm No. 9.)

The law provides that "special meetings may be called," &c., by the Clerk. The use of the word *may* does not leave the matter optional with the Clerk. The discretion is left only with the legal voters of the district; and if any five of them make a written request of the Clerk to call a special meeting, stating the objects for which they wish it called, it is the imperative duty of the Clerk to do so, and any neglect or refusal on his part will subject him to a fine under section eighty-eight of the School Law.

Six days notice must be given of each annual meeting, and of every meeting that shall have been adjourned for a longer time than one month, (see Form No. 10,) and of every special meeting, (except as provided in section three, when a district has lost its organization,) by posting notices in four or more public places in the district.

No annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was *will-*

ful and *fraudulent*. This provision is intended to apply to cases, when through mistake or accident. the proper legal notice was not given, and not to cases where no attempt has been made to comply with the law. The above provision will apply equally to special meetings. For when the Clerk undertakes to give the requisite notice, and fails unintentionally to strictly comply with the law, the proceedings of the meeting will not be *void* on that account, but may be set aside on appeal, for sufficient cause shown.

If the time for holding the annual meeting in any district, shall pass without the election of district officers, the Clerk, or in his absence, either the Director or Treasurer, within twenty days after the time for holding such annual meeting, may notify a special meeting for such election in the manner prescribed in the twelfth and twenty-ninth sections, &c., as set forth in the 13th section of the School Law. That is, the Clerk must call the meeting if requested by five legal voters, and must give notice the same as for any other special meeting. If a special meeting is not thus called, the Town Superintendent may, in his discretion, appoint new officers.

No school district meeting can vote to raise a sum exceeding five hundred dollars for building, hiring, or purchasing a school house, without a written certificate from the Superintendent of the *town in which the school house is to be situated*, that a larger sum ought to be raised. (See Form No. 11.) In a joint school district, a majority of the Superintendents of the towns in which such district is situated, must sign the certificate before a larger sum than $500 can be voted to build, hire, or purchase a school house.

MODE OF PROCEEDING.

The law does not specify what number of voters shall constitute a quorum for the transaction of business at a district meeting; and if the notice of any meeting has been legally and fairly given, and the proceedings are regular, they will not be disturbed because of the few voters that were in attendance. It is the duty and the privilege of all voters to attend the annual and special district meetings, especially as officers are to be elected for three years. Much of the difficulty in school districts arises from efforts made at special meetings to annul or change the action of the annual meetings; and such

changes are frequently made, involving the district in a neighborhood strife, or in the trouble of a vexatious appeal or an expensive lawsuit. It is the manifest duty of all voters in a district to assemble at the time and place appointed for the transaction of business, and for deliberation and consultation upon the various interests connected with their schools. Such meetings should be conducted with order, regularity and decorum; no other feeling than a sincere desire to promote union, harmony and concert of action should be there entertained. It is the will of a majority of the district that is required to secure efficiency in the acts of the district.

At the appointed hour, after making an allowance of fifteen or twenty minutes for difference in time pieces, if the voters are not all assembled, the meeting should organize by the appointment of a Chairman, the Clerk of the district acting as Clerk of the meeting. If the Clerk is not present, or if it is the first meeting of the district, the meeting should choose a Clerk for the time being; but if the District Clerk is present, it is his duty to act as Clerk, and in no case can a substitute be appointed, if he is present.

The meeting is then organized for the transaction of business; and if there are but a few voters of the district present, it is always advisable to adjourn the meeting, if a larger number can be assembled by so doing.

The regular mode of choosing district officers is by *ballot*, separately for each office, and this mode of proceeding should not be dispensed with under any circumstances.

A majority of all the votes cast is necessary to elect; and when officers have been fairly elected, it is not in the power of the meeting to re-consider or rescind the vote by which they were chosen. If any person so chosen is present and signifies to the meeting that he will not accept, the meeting may, as thought best, make another choice, or allow the vacancy to be filled by appointment, though it is better to make another choice at once.

All other business of the meeting should be transacted by written resolution, regularly put to vote in the customary manner. If there is any doubt in ascertaining the result of any vote, the persons voting for or against any resolution should be determined by count, or by ayes and noes. But upon all resolutions contemplating the levying

of a tax, changing the site of the school house, building a new school house, or the purchase of a school house or school house site, it is necessary that the vote be taken by ayes and noes, and recorded in the records by the District Clerk. And to prevent delay in the proceedings of the meeting, the Clerk should have prepared a list of the voters of the district, for taking the ayes and noes upon the different propositions that will probably come before the meeting after the following form :

Names of Voters.	On resolution to designate School House site.		On resolution to raise $250 tax to build School House.		On resolution to raise $40 tax to pay Teachers' wages.		On resolution to raise $15 tax for Library.	
	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.
James Miller.....	—		—		—		—	
Thomas Carroll....	—		—			—		—
John Clark.....	—		—		—		—	
Edward Ross.....	—		—			—	—	
Henry Billings....	—		—		—			—
William Johnson..		—	—			—	—	
Alvin Morris.....		—	—		—		—	
	5	2	7		4	3	5	2

As the law authorizing special meetings to levy a tax, and the District Treasurer to collect the same, is intended to apply only in cases of emergency, and not to be the general rule, it becomes necessary for the District Board of each district to estimate the expenses necessary to be incurred by the district for the ensuing year, and submit a detailed statement thereof, stating separately each item of expenditure, to the annual meeting. Besides, the annual meeting is the proper time for the district to settle all matters relating to the schools for the ensuing year, and it is far better to have a full and free expression of opinion from all, than to leave the whole control and management of the schools with the District Board. The Board should feel bound by such action of the annual meeting and carry out, as far as possible, the expressed wishes of the people of the district.

All propositions brought before a district meeting should be voted

upon *separately*, in order to obtain an expression of the real wish of every voter upon each of the propositions submitted.

School districts may alter, repeal, or modify their proceedings as occasion may require. This can not be construed to apply to the reconsideration of the election of officers, or to any proceedings that have been partially or wholly carried into effect; as where contracts have been entered into, liabilities incurred, or expenditures of money had, in carrying out any measure directed by the district, as there are no means provided to indemnify those who may be losers thereby. If it is intended to alter or modify at a special meeting any proceedings of a previous meeting, the intention to do so must be specified in the notice calling such meeting. (See Section 29.)

It is the duty of the person acting as Clerk to keep accurate minutes of the proceedings; and before the meeting is adjourned the minutes should be read, that errors, if any, may be corrected, and afterwards they should be recorded by the Clerk in the record book of the district.

No particular form is required for keeping the minutes of the proceedings of a district meeting. They should be recorded just as they occurred. It is important, however, that the time and place of holding and character of the meeting should be distinctly stated, which may be as follows:

"At a meeting of the legal voters of school district No. —, of the town of ———, held pursuant to adjournment, at ———, on the ——— day of ———, 18—, [*or, if it is the annual meeting, say, "at an annual meeting of, &c., held pursuant to notice, at," &c.; or if it is a special meeting, say, "at a special meeting of, &c., held pursuant to a special notice by the Clerk, at," &c.; or if it is appointed by the Town Superintendent, say, "at a meeting of the legal voters of, &c., held pursuant to appointment by the Town Superintendent, and notice served on all the qualified voters of the district, at," &c.,*] A. B. was chosen Chairman, and C. D. was present as District Clerk, [*or, if the Clerk is not present, say,* "the Clerk being absent, R. S. was chosen Clerk, *pro tem.*"]

Then enter the proceedings in the form of resolutions, and state whether adopted or rejected, and the names of every person voting for and against any resolution, if the ayes and noes are required to

be taken according to the instructions above given, as voting a tax, &c., or if demanded by any five voters present.

By section fifteen the qualified voters, at an annual meeting, may determine the length of time a school shall be taught, whether by a male or female teacher, the application of public money, &c.; but if the meeting does not direct the Board in these matters, it becomes their duty to act the same as the district might have acted.

The Board are authorized to hire a teacher for three months, even though the district vote that they will have no school.

It is desirable and important that schools should be taught in every district in the State throughout the year, with the exception of the usual vacations; but as this is impossible in a great majority of districts, there should be at least two terms, one commencing on the first of May, and the other on the first of November, thus accommodating a class of scholars who are necessarily engaged in agricultural or other pursuits, and unable to attend school during the summer months.

Note C.

DISTRICT OFFICERS AND THEIR DUTIES.

The officers of a school district are a Director, Treasurer and Clerk, who constitute the District Board, and a majority of the members thereof is sufficient to give validity to any act of theirs as a District Board. They hold their respective offices three years, and until their successors are elected and qualified, but not to exceed ten days beyond the expiration of their term of office, or if appointed, beyond the first annual meeting succeeding their appointment. The manner of calling a special meeting to elect district officers when the annual meeting has passed without an election, has been considered on Note B.

District officers are not required to file a written acceptance with the Clerk, except at the organization of a district, and when an appointment has been made to fill a vacancy. The Clerk of the meeting, at which officers were elected, is required to notify the persons elect who were not present at the time of their election, (see Form No. 12); and unless each person so elected and notified, shall, within

ten days after his election, file with the Clerk his *refusal* in writing to accept the same, he shall be deemed to have accepted the office, (see Form No. 13). A person appointed to fill a vacancy, (see Form No. 24), must file a written acceptance. (See Form No. 7).

It is the duty of the Director to sign all orders drawn by the Clerk on the Treasurer, (see Form No. 14), or the Treasurer is not required to pay them. But the Director is expected to see that the orders drawn by the Clerk are legitimate and proper, and contemplate no illegal or unauthorized disbursement of public money; still, the Director has no right or authority to withhold his signature unreasonably; any such unreasonable refusal to perform his required duties will render him liable to a fine, and render his office liable to be declared vacant. The only reason for refusing to sign an order drawn by the Clerk, which can be given, is that the orders are illegal or incorrect.

TREASURER.

The office of Treasurer is vacant unless the person elected qualifies within ten days, by filing his bond, duly approved by the Director and Clerk. (See Form No. 16). The duties of Treasurer are far less onerous than formerly, as he is not now required to collect school district taxes, except when a tax has been voted and levied at a special meeting, when the District Treasurer must proceed to collect the tax in the manner specified in the sections of the Revised Statutes of 1849, which are included in this edition of the School Laws between sections thirty-six and thirty-seven;—in other cases to proceed according to sections thirty-five and thirty-six of the School Law:—but he is required to keep account of all money received and disbursed by him, with the items of such disbursements, which must be embodied in a report to the annual meeting, accompanied with vouchers for money paid out. (See Form No. 15).

The Treasurer should be careful to keep a minute and correct account of every transaction of his office, and preserve the vouchers for all money paid out. A mere exhibition of vouchers by the Treasurer to the meeting is not all that is required by the law. Each item of his account must be particularly and fully set forth and reported to the meeting, that it may be recorded by the Clerk. The finances of the district are always a matter of solicitude to those in-

terested, and a very little attention on the part of the Treasurer will enable him at all times to satisfy any one of their true condition, and inspire confidence in his report by convincing them of its correctness. The Treasurer is liable on his bond for any malfeasance in office, or for refusing to pay any balance that may be in his hands to his successor.

It is the duty of the Treasurer to apply to the Town Superintendent for the school money due his district as soon as the same becomes payable, and give his receipt therefor to that officer, that he may be able to make his annual settlement with the Town Board of Supervisors.

The form of such receipt may be as follows:

"Received of A. B., Town Superintendent of schools of the town of ———, the sum of ——— dollars, being the amount of school money apportioned to school district No. ——, of said town, by said Town Superintendent, for the year 185—.

"Dated, &c. "F. S.,

"*Treasurer of school district No.* —,
of the Town of ———."

CLERK.

The duties of the Clerk are particularly specified in the law, which are generally to keep all the records of the district in a book provided for that purpose, To aid him in the discharge of his duties, the necessary forms accompany these notes. If not present at a district meeting, it is his duty to record the proceedings thereof when certified to him by the Clerk of the meeting.

The Clerk of the District Board acts in a double capacity: as a member of the Board he has a voice in their meetings; but as Clerk of the Board he is simply to carry out the expressed will of a majority of the Board.

It is the duty of the Clerk to hire *qualified* teachers; but as a contract made by him without the consent of either the Director or Treasurer, or both, is not binding upon the district, it becomes necessary for the Clerk to consult with the other officers before the contract with the teacher is complete.

The interest of the law is, that the whole Board, or a majority of them shall select and agree upon the teacher, and that the Clerk is

to act merely in his capacity of Clerk in drawing up and signing the contract with the teacher. If the officers would on every occasion consult with each other on all matters left to them by the district, or imposed upon them by law, there would be no occasion for any misconception of the views and feelings of each other; and it would be a preventive of the difficulties arising in school districts, that sometimes result in destroying the usefulness of the school, and prostrating the energies of the district.

The Clerk is not authorized to contract with any but *qualified* teachers, and if the Board would invariably insist that the applicant should produce the necessary certificate before the contract is made, it would also prevent much trouble; for a contract made with a teacher who is not qualified, is not binding upon the district, and the District Board make themselves individually liable to pay the teacher. (For form of contract see No. 17).

The contract should be filed with the District Clerk, and a duplicate furnished to the teacher.

There is a diversity of opinion and practice in relation to the word "month" when applied to schools; but general usage has determined a school month to mean twenty-two days; allowing the teacher to close the school during the afternoon of each Saturday, or teach all day every other Saturday as may best suit the convenience of the scholars, if he wishes to count four weeks to the month. The custom quite generally prevails in cities and villages of teaching but five days in each week; and it is the opinion of many of our best teachers that this custom had better prevail in the country, as whenever school is taught six days in the week,—especially in the summer,—children are allowed no whole day for recreation, and the time can still easily be computed at twenty-two days a month.

From long established and time-honored usage, schools may be closed, without loss of time to the teacher, on days which it is customary to observe as holidays, among which may be enumerated the Fourth of July, Christmas, New Year's, and the day set apart by the Executive as a day of thanksgiving. In such cases, it would be well for the teacher to consult the District Board, so that no difficulty can arise. Still, as above stated, custom has given this privilege to the teacher as a right.

The note to section thirty of the School Law, makes it the duty of the Clerk between the first and tenth days of September, to make and transmit a report in writing signed by himself, to the Town Superintendent, dated on the first day of September of the year in which it shall be transmitted.

The facts required to be reported by the Clerk are those contained in section thirty of the School Law, and the twenty-second library regulation, together with some others, all of which are provided for in Form No. 18. The blanks are filled for the sake of example. When there is nothing to be reported, a cipher should be placed opposite the heading.

The Clerk is required to draw all orders on the Treasurer. (See Form No. 14. It is the duty of the Clerk to furnish a school register, at the expense of the district, for the use of the teacher, in which shall be entered the names, ages, studies, attendance and absence of all scholars attending school. As it is impossible for the Clerk to report to the Town Superintendent some of the facts required to be reported, unless this register is kept, it is important that the Clerk should furnish such register to the teacher, and his willful neglect or refusal to make the requisite entries will cause a forfeiture of wages. (See Form No. 20.)

It is especially important that District Clerks should fill all the blanks, in the blanks furnished them from this Department, in order that the returns may be regular and uniform.

It is also necessary that the District Clerk should make immediate returns to the Town Superintendent, of all officers elected in their respective Districts, as soon after their election as possible.

Note D.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

See Sections 34, 35 *and* 36.

On or before the fourth Monday of November in each year, the District Clerk is required to deliver to the Town Clerk a statement in writing, verified by his affidavit, showing the amount of taxes voted to be raised at the last preceding annual meeting, and at the

first meeting after the organization of the district, or both, as the case may require, together with a list of persons and corporations liable to a district tax. (See Form No. 20.)

In making up a list of the corporations liable to tax, the Clerk will bear in mind that by the act of April 1st, 1854, railroads and plankroads are exempt from all but a State tax, and that only the real property of any bank or banking association can be taxed for school purposes. All other property is liable for school tax the same as for other taxes.

In case of a joint district, the Clerk will ascertain the proportion to be raised in each part of such district, and deliver a statement and list to the Town Clerk of each town in which any part of the district is situated. (See Form No. 21.) To enable him to furnish this statement, the Town Clerk of each town is required, on demand, to deliver a certified statement of the real and personal property of that part of the district lying within his town, to the District Clerk.

The Town Clerk is required by law to deliver the tax roll to the collector on or before the second Monday of December, and if the District Clerk should neglect until that time to deliver the requisite statement to the Town Clerk, the tax can not be collected until the following year. Upon delivery to him of such statement, the Town Clerk must give to the District Clerk a certificate that he has received the same, stating the amount of the tax, and time when received, which must be filed in the office of the said District Clerk.

It is the duty of the Town Treasurer, to pay over the school taxes, as soon as collected, to the District Treasurers; and in case any taxes are returned to the county as delinquent, it is his duty to pay them over as soon as received. Nor can the Town Treasurer use the school tax collected to make up any deficiency in the State or county taxes. The law reads: "The Town Treasurer shall pay over the full amount of State tax, though it may occasion a deficiency in the town taxes." The school tax is not a town tax, and the law further authorizes the Town Treasurer to pay over the school tax even before the time for the payment of the State and county taxes, before it could be determined whether there was to be a deficiency or not. No Treasurer has any legal right to divert a dollar

of the School Fund, or the school tax to any other use whatever.—We have frequently answered this point, and upon no one point has more trouble arisen. The intent of the law is plain. It is not the part of justice to make the schools suffer for the neglect of a few who do not pay their taxes. The School Fund is mainly a gift from the General Government, and the State in its management is simply a trustee for a specific purpose, and so regarding it, has placed in its Constitution a positive prohibition against diverting it to its own use or profit, or, indeed, for any purpose whatever, save that for which it has been specially set apart—the Constitution expressly providing that the School Fund "shall be *exclusively* applied" to the purposes of education. The tax levied by the County Board is only a condition of receiving this School Fund gratuity and is in no proper sense a county or a town tax. It is a matter entirely separate, and should be so kept by all who have management of it in any capacity.

In regard to the payment of school taxes, the meaning of the law is plain. No monies raised and collected in any town for school purposes, should be paid to the County Treasurer, but be retained by the Town Treasurer, and paid by him to the Town Superintendent on application. The School tax levied upon towns by the County Board, is not a county tax. The State makes the county its agent to distribute the School Fund, and hence requires the county to see that the requirements of law, in relation to the tax levied upon the towns, are complied with; but this power to superintend the tax-levy, does not make the tax a county tax; so that the taxes levied upon towns by the County Board, are not to be paid to the County Treasurer, but to the Town Superintendent; otherwise there would be a percentage taken twice—once by the Town Treasurer, and once by the County Treasurer.

In regard to taxes voted at a special meeting under section 12 of this law, the manner of collection is entirely different. In such a case the District Clerk issues the warrant directly to the District Treasurer, who makes his return to the District Board, and returns the delinquent tax list to the Town Clerk, by whom it shall be regularly entered in the next assessment roll of the Town. (See sections 66 to 77, Revised Statutes of 1849, quoted in this law between section 36 and 37, for full instructions on this point.)

Note E.

DISTRICT BOARD.

It is made the duty of the District Board to purchase or lease such a site for a school house as shall have been designated by the district, (See Form No. 22) and to build, hire, or purchase such school house out of the funds provided for that purpose. (See Form No. 23.) As these are important duties imposed upon the District Board, it is necessary that their authority to act in the premises should be clearly and distinctly shown upon the records of the district. And for this reason it is absolutely necessary that all votes authorizing such a proceeding shall be taken by ayes and noes, and entered at length upon the records.

When the District Board are required to execute a conveyance of a school house site, the same form of a deed may be used as in No. 22, except that the party of the second part becomes the party of the first part, and the signatures of the Board are to be made in the same manner as in the form given of a lease.

If the District Board remove a school house, buy a lot for a site, or do any other act which they are not by law authorized to do without a vote of the district, it is at their own peril. The voters of the district may ratify their proceedings at a subsequent meeting, but if they do not choose to do so, the District Board are without remedy.

The School Law is silent as to the manner of a District Board entering into contract for the building a school house; but as the Board are the special executive officers of the district, chosen to faithfully attend to its best interests, it is unquestionably their duty to procure such building to be done to the best advantage: and hence, it would always be most discreet to enter into such contract (after having given proper notice,) with the person offering to do the work to the best advantage, and at the lowest rates, giving adequate bonds for the faithful performance of the work. Such a course would be the safest, and would prevent any trouble that might arise if a looser plan were adopted. There should be two copies of the contract made and signed, one to be kept by the contractor, and the other by the Board.

Section twenty-eight requires the District Board to provide the necessary appendages of the school house. Of their expenses in so doing they must keep an accurate account, and present the same for allowance at the annual meeting. This general power to furnish necessary appendages must not be construed to warrant the District Board in incurring more than the usual and ordinary expenses necessary to keep the school house in good repair, supplied with fuel and such appendages as are ordinarily found in, and necessary to the usefulness of a school. A black board is considered an indispensible appendage to a school room, and may be provided by the District Board. All extraordinary expenditures should be authorized by a vote of the district.

The District Board have the care and keeping of the school house and other property belonging to the district; and in the exercise of this care, their first object should be to secure the school house for the use for which it was built, without any interruption or embarrassment to the school, or any damage to the property. This being done, it is competent for the district who are the owners of the school house, to permit it to be used for any moral, literary, or useful purpose.

The District Board are authorized to purchase, at the expense of the district, such school books as are necessary for the use of those children attending school whose parents or guardians are unable to furnish them. This duty should never be neglected by the Board, and they should promptly furnish books to such children, when informed by the teacher that they are in need of them.

The District Board have the power to divide their school into Departments, employing qualified teachers in all the Departments; or two or more districts may unite and form a Union School under the provisions of chapter cxxxviii, General Laws of 1858, as herewith published.

WHAT SHALL BE TAUGHT IN SCHOOLS—TEXT BOOKS.

The law requires orthography, reading, writing, English grammar, geography and arithmetic, to be taught in every district school. The District Board may determine what other branches shall be taught. Among these branches thus left to the discretion of the Board are

writing compositions and declamation; and the District Board have full power to prescribe these and other additional studies, under such rules as they see fit.

The only authority to determine what text books shall be used in schools is vested in the District Board, under the advice or recommendation of the State Superin'endent. This power should be exercised in every district, and with the two-fold object of securing uniformity of text books, and the works of the best authors. The necessity of uniform text books is so apparent to every one, that it seems unnecessary to urge upon the District Board the important relation it bears to the success and efficiency of the school. There can be neither order, classification nor system, in a school without such uniformity, for it compels the teachers to divide the pupils into as many classes as there are kinds of books, so that the time that might have been devoted to a careful and deliberate hearing of a class of ten or twelve, where all could have improved by the teachings and corrections of the instructor, is almost wasted in the hurried recitations of as many pupils in separate classes; while in large schools some must be wholly neglected. The teacher will thus satisfy neither himself, his scholars nor their parents. In case of a refusal on the part of parents to comply with all such suitable regulations of the District Board in furnishing their children with proper books, the law gives the Board power to exclude children from school until they do thus comply. The Board should be particularly careful to avoid frequent changes. This will be unnecessary if they use proper care in the selection of the best and most approved text books.

Recommendations have been made by this Department of suitable books to be adopted and used in schools; but as in many instances it is impossible to obtain them, let the District Board consult with the teacher and Town Superintendent, and any other persons informed and interested upon educational matters, and determine what suitable books can be obtained. When different books are already in use from those recommended by the Department, a sudden change might not be desirable; but as soon as the old supply is worn out, and sooner if the district will sanction it, let the proper change be made —for the proficiency of the scholars will greatly depend upon having the best text books extant.

Note F.

TOWN SUPERINTENDENT—HIS POWERS AND DUTIES.

Many of the duties of Town Superintendents of schools have been considered in connection with other subjects, and are particularly defined in the foregoing law.

By section forty-six it is made his duty, between the fifteenth and twenty-fifth of September, in each year, to make and transmit to the Clerk of the Board of Supervisors in his county, a report in writing, bearing the date on the fifteenth of September, of the year of its transmission. Such report must be made upon all the particulars specified in said section and the twenty-third library regulation, with some additional ones, which will be found in Form No. 25, according to which the report must be made. The law makes it the duty of the Town Superintendent to see that annual reports of the District Clerks are made correctly and in due time. A little attention to the reports of the Clerks at the time they are made, will enable him to submit a complete report to the Clerk of the Board of Supervisors. District Clerks and Town Superintendents are particularly and urgently requested to make full and accurate reports upon each subject upon which information is asked.

The Town Superintendent is entitled to one dollar and fifty cents per day for every day actually and necessarily devoted by him to the discharge of his duties as such officer. This provides for time spent in examining Teachers, visiting schools, making reports, forming or altering school districts, and the performance of all other duties required of him by law.

He can not receive fees under any circumstances. His account for services must be presented to the Town Board, and paid out of the town treasury, and *not* from the money raised by the town for school purposes.

Whenever a school district is divided and a new district formed, after the annual report of the District Clerk has been made, and before the apportionment of school moneys by the Town Superintendent, he shall apportion to such districts according to the number of children in each over the age of four and under the age of twenty years, according the last report. If the number of children are equal in

the two districts, divide the money equally; but if not, divide at the same rate per scholar. The reason of this provision is plain: It is that the children reported may draw the money in the District in which they are at the time of apportionment.

Married persons under the age of twenty years cannot be regarded as children; they are not therefore entitled to public money, and must not be reported. The Town Superintendents are directed by the State Superintendent to report to this Department, within ten days after their election, their names and post-office address. If they fail to do this, the State Superintendent will be unable to supply them with the necessary blanks for their reports, or to correspond with them upon official business. All will, therefore, see the great importance of prompt compliance with this requirement.

The Town Superintendent can not teach as a *qualified* teacher, as he cannot qualify himself. If the Board hire an unqualified teacher, they are individually responsible. No school money can be received from the State if the school is taught by an unqualified teacher, and the Town Superintendent, while acting as such, can not be a qualified teacher. If he wishes to teach, he *must* resign as Town Superintendent, and receive a proper certificate of qualification from his successor.

It is true, the *letter* of the law is silent with reference to a Town Superintendent teaching in his own town, yet the *spirit* of the School Code is sufficiently explicit on this point—that he is selected to watch over and visit the schools of his town, and see that the teachers are doing their duty and properly conducting their schools, and to attempt himself to teach is not what he was chosen to do; to examine and qualify others, and not attempt, what no man could do, examine and qualify himself; to annul certificates for unworthiness and improper conduct, which no man would be likely to do against himself, if a teacher. In fine, it is his sworn and sacred duty to stand as the guardian of the districts of his charge, and see that they have none but properly qualified teachers, and not seeking or permitting himself to teach, thus depriving the people of that guardian care they repose in him, so necessary to secure the greatest good to the rising generation. In a matter of this importance, even "the appearance of evil" should be scrupulously avoided.

Note G.

EXAMINATION OF TEACHERS, AND ANNULLING CERTIFICATES.

The Town Superintendent is required by law, to examine all candidates for teaching, in regard to moral character, learning and ability; and if found qualified, he shall deliver to such person a certificate in the form prescribed by the State Superintendent. (See Form No. 26.)

The Town Superintendent may, if he shall think proper, limit the certificate to a single district, but it must remain in force for one year, unless annulled. But if the candidate is found deficient in either of those three important requisites, a certificate should be refused. The law contemplates a formal examination of the qualifications of candidates, which should be extended to all the branches required to be taught in common schools, and to the method of instruction.

The duties and power thus confided to the Town Superintendent are most important and involve great responsibility, and upon their proper fulfillment, in a great degree, depend the elevation and improvement of the district schools. He should discharge his duties in this as in all other respects, without "fear, favor, affection, or hope of reward," with no other object in view than the best interests of the schools under his supervision.

In all cases teachers must be examined in English, and in regard to their qualifications to teach in English, as the law expressly requires it; and it is not a compliance with the law that they are qualified to teach in any other language. Any Town Superintendent who shall issue a certificate to any person not competent to instruct in the English Language the branches required by Law, will render himself liable.

ANNULLING CERTIFICATES.

If complaints are made against a teacher, by any person concerned, to the Town Superintendent, it is his duty to inquire into the cause of such complaints. If it is his intention to annul the certificate of such teacher, he must give ten days notice in writing to

the teacher and to the District Board, of such intention; and should state in such notices the complaint or charges made. A day for hearing the charges made against the teacher should be appointed by the Town Superintendent, if desired by either the teacher or the District Board, which will afford a fair opportunity of arriving at the truth of the allegations. If the complaint is that he has not sufficient qualifications, he should have an opportunity for a re-examination; if on account of his mode of instruction or school government, the Superintendent should visit the school and ascertain the truth.—But in no case should the Town Superintendent exercise this power in an arbitrary manner, nor unless he is satisfied of the truth of the charges preferred, or of his incompetency to teach the school. For Form of note annulling teacher's certificate, see No. 27.

If complaints are made against a teacher, it is not optional with the Town Superintendent whether he will examine into the case or not. H poi nt a day, and give the case a full and impartial hearing, and decide it upon its merits. His decision may be appealed from to this Department.

INSPECTION OF SCHOOLS.

It is the duty of the Town Superintendent to visit all common schools within his town. Section sixty-one particularly points out his duties as such visitor, and they should not be neglected. He should visit each school at least twice each term, or oftener if circumstances require, and should advise with the teachers, officers and others, upon all matters pertaining to the school, or the affairs of the district. All teachers will bear witness of the happy influence of frequent visitation of schools, not only by school officers, but by parents, and all persons who have children in the school room under their guardianship. "The teachers and scholars feel that they are not abandoned to neglect; the apprehension of discredit will stimulate them to the greatest effort; while the friendly suggestions of the visitors will tend constantly to the improvement of the schools, and they will themselves be more and more enabled to recommend proper measures from their better acquaintance with the subject."

Note H.

OF THE FORMATION AND ALTERATION OF SCHOOL DISTRICTS.

The method of proceeding in the *formation* of School Districts has been considered in Note A. Section sixty-two provides that whenever the Town Superintendent contemplates any alteration in the boundaries of a School District, he shall give five days notice to the Clerk of each district to be affected thereby, at the time and place he will be present to decide upon such proposed alteration.—(See Form No. 28.)

The District Clerk will immediately notify the other members of the Board, which may be done by giving them a copy of the notice served upon him. The District Board may apply to the Chairman of the Town Board of Supervisors and Town Clerk, to be associated with the Town Superintendent; and when such Board is constituted, it requires a majority to make any change in the boundaries of the district; and in case of a joint district, the District Board may call in the town officers, above named, of each town of which the joint district forms a part, and it will require a majority of the Board so constituted to alter the limits of any joint district. It is entirely optional with the District Board whether they will thus apply to the Town Superintendent or not.

In all cases of alteration of the boundaries of a school district, whether with or without the consent of the District Board, it is the duty of the Town Superintendent to immediately notify the Town Clerk, and the Clerk of each district affected by such alteration.—If the District Board consent, notice may be given to the district by filing a copy of the order altering the district, with such consent endorsed thereon, with the District Clerk. If they refuse their consent, notice may be given according to Form No. 29. When the consent of the District Board is given, the alteration takes effect from the time of filing the notice with the District Clerk, unless otherwise specified in the order. Notice may be given to the Town Clerk by delivering to him the order making the alteration, and also stating when such order will take effect.

A *conditional* consent can not be received from a District Board; it must be given without any express or implied condition, and to

the specific alteration made in the order. For Form of order altering boundaries of a district, and consent of District Board, see No. 31.

Alterations in the boundaries of a joint district must be made by the concurrence of the Town Superintendent of each town in which any part of the district is situated, and notice thereof must be given to the Clerk of each such town.

In no case should any petition from any person to be set off from a district for the evident purpose of avoiding a tax for building a school house, be entertained by the Town Superintendent, or by the town officers associated with him in deciding upon the division of a district.

DIVISION OF PROPERTY ON THE FORMATION OF A NEW DISTRICT FROM AN ORGANIZED DISTRICT.

Whenever a new district is formed wholly or partially from the territory of a district possessing a school house or other property, it is the duty of the Town Superintendent at the time such formation takes effect, to ascertain and determine what proportion of the value of such property the new district is entitled to. This amount must be ascertained by first determining the real condition of the district at the time of the division, by adding to the value of the school house the value of all other property, including the school house site, library, apparatus and money in the treasury; and from the aggregate deduct the amount of all debts due from such district. The new district is entitled to such proportion of that balance as the taxable property set off from the old district bears to the whole amount of taxable property before the division. For instance, if the old district contained $8,000 of taxable property, and $2,000 was set into the new district, such new district is entitled to one fourth of the value of the property retained by the old district.

In settling the division of property between districts, the District Boards cannot call in the town officers to act with the Town Superintendent, as the law puts this responsibility upon him alone.

Having determined the amount to which the new district is entitled, the Town Superintendent must make an order (see Form No. 32) directed to the District Board of the district, retaining the

school house, &c., requiring such district to levy and collect the amount awarded to the new district, and pay the same to the Treasurer thereof.

This division of property can be made only when a new district is formed from organized territory, and not when the boundaries of organized districts are merely altered by the transfer of territory from one to another—except when a district becomes entirely extinct by being transfered to one or more organized districts, when, of course, a just division of property should be made.

By section 98, it is made the duty of the Town Superintendent to make a map of all the school districts in his town, before the first Monday of September next, and file it with the Town Clerk; and within the same time to furnish a map of each district to the Clerk thereof. After said first Monday of September it is his duty to mark each alteration made upon the map in the possession of the Town Clerk, and upon the map of each district that may be altered. It is but little trouble to make these maps and note upon them the different changes made, and the Town Superintendent should not fail to discharge his duty in this respect, as such maps are indispensible in many instances where frequent changes are made, and are always convenient.

Note I.

VALUATION AND EQUALIZATION OF PROPERTY.—TOWN CLERK.

School taxes are assessed upon the same property as taxes for town and county purposes.

Whenever a tract of land has been assessed as a whole, or an aggregate valuation has been placed upon the entire tract, and such land lies in different school districts, section seventy authorizes the Town Clerk to estimate the value of these different parts lying in different districts, for the purpose of school district taxation.

As the assessments of adjoining towns frequently differ in the relative valuation of property, causing unequal taxation in joint school districts, the Superintendents of the towns in part embraced by a joint district, are authorized, upon application of any three tax

payers of the district, to determine the relative proportion of taxes to be assessed upon the *real estate* of the parts of such district.—They shall certify their determination to the Town Clerk, who is required to assess the school tax of such district for that year, according to such determination, if received in time.

The Town Clerk is required to record in a book, to be kept for that purpose, a description of all school districts within his town, and each alteration thereof; and he shall keep all reports, books, papers, maps, &c., belonging to the Town Superintendent, when required by him.

Note J.

CLERK OF THE COUNTY BOARD OF SUPERVISORS.

The Clerk of the County Board of Supervisors, is required, on or before the tenth day of October, in each year, to transmit to the State Superintendent a report in writing, setting forth the whole number of towns in his county, distinguishing those from which the required reports have been received from the Town Superintendents, and containing an abstract of their reports. The Clerk of the County Board of Supervisors is requested to report upon some additional particulars, not reported upon by the Town Superintendents, all of which will be made according to Form No. 33.

He is also required to deliver to the County Treasurer, on or before the tenth of October, in each year, a written statement of the whole number of children over the age of four and under the age of twenty years, residing in each town, as shown by the reports of the Town Superintendents.

The attention of the Clerk of the County Board of Supervisors is directed to the provisions of Sections 28, 60 and 61, Chapter 13, Title III, and also to Sections 53 and 54, Chapter 18, Title V, Revised Statutes, 1858.

No portion of the income of the School Fund can be apportioned to any town or city, unless such town or city has raised for school purposes, a sum of money, equal to one-half the amount received from the State at the last previous apportionment.

The law requires the County Board of Supervisors, at their an-

nual meeting each year, to estimate and determine the amount to be raised in *each town and city* for school purposes. It is not sufficient that the aggregate directed to be raised in the county is equal to one-half the amount received by the county at the last apportionment; but it must appear from the certified statement of the Clerk of the Board of Supervisors made to the State Superintendent that *each town and city* has been directed to raise an amount equal to one-half that received the March previous, or school money cannot be apportioned to such towns and cities, under the provisions of the Constitution.

A neglect to return to this Department by the time specified, the County School Tax levied, and to make his Annual Report, renders the Clerk of the County Board liable for the full amount with interest, which each town shall lose by such neglect and refusal.

It has in a few instances been permitted, by special legislation, that when the County Board has neglected to levy the proper school tax, the towns were authorized to do so, and the Town Clerks directed to certify such assessment to the State Superintendent, who was then authorized to apportion to such towns. There is no law now existing, warranting such a course of procedure, and it cannot be sanctioned by this Department.

DIGEST OF DECISIONS.

APPORTIONMENT OF SCHOOL MONEY.

Town Superintendents must be governed by the reports of the District Clerk, in apportioning school moneys; but a mere clerical error may be corrected after such reports have been made to the Town Superintendent, and before he makes his return to the Clerk of the Board of Supervisors. He can not try the truth of the Clerk's certificate; if willfully false, the law prescribes the penalty.

In case of a joint school district, the Town Superintendent of each town, in which any part of such district is situated, will apportion

school moneys to such district according to the number of children reported to him as residing in that part of the district lying in his town, without regard to the amount raised in the other towns for school purposes.

It is the duty of the Town Superintendent to apply to the Town and County Treasurers for the school money as soon as the same is payable; and to apportion such money immediately after it is received by him, among the several districts of his town which have complied with the law.

The Town Superintendent can not legally apportion any school money to a district in which a common school was not taught by a qualified teacher for three months during the year ending on the 31st day of August last previous to such apportionment, which is a Constitutional requirement; but in determining this, he must be guided by the reports of the District Clerks, as he cannot go back of their reports, even if he knows them to be willfully false. In such a case, it is his duty to prosecute the offender, and if he does not, he renders himself liable to a penalty.

A district which is not entitled to an apportionment of school money cannot receive library money, notwithstanding it may have complied with the laws and regulations concerning district libraries.

The law provides that the Town Superintendent shall not apportion school money to a district which has not expended, for the payment of teachers' wages, all school moneys received from the School Fund during the year ending at the date of the last previous annual report. This is to be understood with some qualifications, and vests in the Town Superintendent the exercise of a sound discretion. It is the intention of the Constitution and Laws of the State to grant aid to every district for the support of common schools, where all the children of the district may receive instruction, and participate in the benefits of our free school system. But this aid is granted upon the condition that a common school shall be maintained at least three months in each year, and that the money previously received by the district has been expended as the law above cited requires. This provision of law is directory as to the manner of expending public money, and not as to the time of expending the same.

The object of this provision is to prevent the use of money re-

ceived from the School Fund for any *other purpose* than the payment of teachers' wages, and not that every cent of such money shall be expended by a particular day. Should there be a small surplus in the District Treasury at the date of the Annual Report, or a larger sum that, by vote of the district, had been set apart for the payment of the wages of the teacher of the the then approaching winter school, there is no good reason why the Town Superintendent should withhold an apportionment from such district, as it is acting in good faith with the State, and has in spirit complied with the law. But the Town Superintendent must not suffer money derived from the School Fund to accumulate in the treasury of a School District; and he can not apportion money to a district that has used any portion of such money for other purposes than the payment of teachers' wages.

As different constructions have been given to the words, "school moneys received from the School Fund," as applied to School Districts, it may be proper to state, that they mean that portion of the school money of each district received by apportionment from the Town Superintendent, which is derived from the income of the School Fund annually apportioned by the State Superintendent to the several towns and cities of the State.

The Town Superintendent is not authorized to apportion money to a district, where any other officer than the District Clerk made and signed the Annual Report, as there is no responsibility or penalty incurred for false statements in a report made by any other than the District Clerk.

The apportionment is based entirely upon the reports of the Town Superintendents, and consequently, if a district does not make its report, it is left out of the apportionment, and cannot be entitled to any share in the apportionment.

In case the District Board divide the school into different departments, all public money must be paid to qualified teachers. Any arrangement by which all the money is paid to the principal, and part paid by him to the assistants not properly qualified, would be a palpable evasion of the law, and would cause the district to lose its apportionment.

ALTERATIONS OF SCHOOL DISTRICTS.

The State Superintendent has no power to form or alter school districts, except on appeal from the Town Superintendent who refuses so to do.

Joint school districts are those that are composed of parts of two or more towns, and they can only be formed and subsequently altered by the joint action of the Town Superintendents of each of the towns in which such districts are situated, except when by the alteration of town lines, such town lines run through the district, when it becomes a joint district by operation of law.

Joint districts may be formed from parts of different counties, but never should be, except in cases of urgent necessity. Nor should joint districts *ever* be formed when it can possibly be avoided. Nine-tenths of all the difficulties in regard to the management of school districts, arise from joint districts.

All parts of a joint district should have the same number, or be numbered alike, and that number should differ from that of any whole district in either of the towns out of which such district is formed.

Whenever, by a change in the boundaries of a town, the town line passes through a school district, such district becomes a joint district by operation of law, and can only be altered in the same manner as districts that were originally formed as joint districts.

A joint school district, in all cases, except in its formation and alteration, is within the jurisdiction and under the supervision of the Town Superintendent of the town in which the school house of such district is situated.

As in case of the alteration of a district, the town officers of the town may be called in, so in the case of a joint district, the officers of both towns may be called in at first; but no appeal can be taken from the action of the Town Superintendents to a Board thus composed.

In the formation and alteration of a school district, no appeal can be taken from the acts of the Town Superintendent to a Board to be composed of the said officer, the Chairman of the Town Supervisors and the Town Clerk. The law does not authorize such a proceeding;

but the District Board of any district to be affected by any alteration proposed by the Town Superintendent, may apply in the first instance, to such officers to be associated with the Superintendent, and the concurrence of a majority of such Board, when so constituted, is necessary before any alteration can be made. All appeals from the action of the Town Superintendent must be made directly to the State Superintendent. Appeals may be taken from the action of the Board above mentioned, to the State Superintendent either for altering or refusing to alter school districts.

The law only provides for the division of the property of a district in cases where a *new* district is formed from one or more districts possessed of a school house and other property, &c.; and the proportion of the value of such property to which the new district is entitled should be ascertained and awarded at the time of making the the order forming the new district. The neglect of the Town Superintendent to make such award does not extinguish the claim of the new district upon the old, for its just proportion of the value of such property.

But if the Board refuse to give their consent to the alteration, thereby postponing, for the term of three months, the time when the alteration will take effect, the award should be made at the time such order takes effect, and based upon the property owned by the district at that time.

Whenever a portion of the territory of one district is annexed to another existing district, the consent of a majority of the District Board of each district must be procured to make the act immediately operative. Or, in other words, in all cases of alteration in the boundaries of a school district, the consent of a majority of the District Board of each district that will be affected by such alteration, must be obtained, or the alteration will not take effect until the expiration of three months.

Alterations of the boundaries of school districts may be made between the first day of December and the first of April, to take effect on or subsequent to the first of April. It is, however, advisable, as a general rule, that new districts should be formed and the boundaries of organized districts changed, only when such formation or change is required to take effect at once.

Whenever an alteration of the boundaries of a school district is made without the consent of the District Board, and the three months, after notice given to such Board, shall expire between the first day of December and the first day of April following, such alteration will not take effect until the said first day of April.

If a district ceases to elect officers and neglects to maintain school, it virtually loses its organization, although perhaps not strictly. In such a case it would be the duty of the Town Superintendent to annex their territory to districts in which schools are maintained.

The decision of a case upon appeal by the State Superintendent in regard to the limits of a district, does not fix the limits of a district so that they can never be altered. The decision of an appeal decides the case only upon the facts as presented. Upon a different state of facts, or upon a change in the town, upon an increase of population, or for any other sufficient reason, the Town Superintendent can, in his discretion, alter the limits of a district. A decision of the State Superintendent is not so conclusive and final as to forever prevent the proper authorities from changing their districts.—It is conclusive and final, so far as the case under consideration goes, and no farther.

In case a district is divided by the Town Superintendent, and the division acted upon, and if the division is subsequently, upon appeal, decided to have been illegal, after the new district has made its annual report, and before the apportionment is made, it would still be entitled to its share of public money; for the division being considered as legal, and in good faith acted upon as such, it is, for the time being, and until otherwise decided, a legal district; and the subsequent decision of its illegality does not invalidate its action.—Besides, if the district be decided as illegal, it retains its vested rights in the old district, and would be entitled to public money on this ground.

CERTIFICATES OF TEACHERS—ANNULLING CERTIFICATES.

The law confers no power on the State Superintendent to grant certificates of qualification to teachers of common schools.

A certificate of qualification should not be granted to a person

who cannot teach in English, as the law provides that the branches required to be taught in district schools shall be taught in the English language.

It is not required of a Town Superintondent to advertise at what time and place he will be present to examine applicants for teachers' certificates, though such a course in many towns may be desirable. He is simply required to examine those who apply to him for a certificate.

No person is a *qualified* teacher, within the meaning of the law, unless possessed of a certificate of qualification, in the form prescribed by the State Superintendent, from the Town Superintendent of the town where the school house in which he is teaching is situated.

Certificates of qualification of teachers should bear date on the day of examination, and cannot be *ante* dated. All certificates remain in force for one year, unless sooner annulled.

The certificate of a teacher may be annulled without a re-examination, if, after due notice given, such teacher refuses a re-examination.

If a teachers' certificate is annulled, the District Board are at liberty to rescind the contract and dismiss him.

But if they continue him in school, after notice that his certificate has been annulled, it will be regarded as such a continuance of the contract, that they will not be allowed to object to the payment of wages for the full time he taught the school; but no such time can be returned to help to make up a three months' school, in order to share in the apportionment, for when a teacher's certificate is once annulled, he is no longer a *qualified* teacher.

A practice prevails to a great extent, in many instances causing serious difficulty, of hiring teachers who have not a certificate of qualification from the Town Superintendent, upon their promise to procure one, which frequently creates serious difficulty. This practice should at once be discontinued, and all teachers should be required to present their certificate when they present themselves as candidates, for the law does not authorize the Clerk to hire any but *qualified* teachers, and any contract thus made imposes no obligation upon the district to pay the wages of such teacher; and the Board, so acting, render themselves individually liable for the amount. In all cases, without any exception, the Clerk should refuse to enter into contract with a teacher until a certificate had been obtained.

DISTRICT OFFICERS.

All district officers shall be chosen for three years, except that for the year 1858, and in the first election in any newly organized district, the Clerk shall be chosen for one year, the Treasurer for two years, and the Director for three years.

If a district neglects or refuses to elect officers, the officer elected the previous year holds his office for ten days after the expiration of his term, at which time the Board may appoint his successor; but if they neglect or fail so to appoint for ten days, the Town Superintendent may fill the vacancy by appointment.

District officers may be legally chosen *viva voce*, or by ballot, or in any other mode determined upon by the meeting, as the law does not specify the mode of election. The fact that officers are elected, and so declared, by either mode, without any express resolution previously adopted, directing the mode of electing officers, implies a consent to the manner of election by which they were actually chosen. A majority of the votes cast is requisite to the choice of district officers. But the correct mode of electing officers is by ballot, and no school district should depart from it.

The refusal of a district officer to perform his prescribed duties, vacates his office, and the vacancy may be filled as provided by law.

Section 88 of the School Law imposes a fine upon the Clerk, and other district officers, for neglect of duty. The Clerk, and all district officers, must be left to their own discretion in their action, but a persistent refusal to carry out the wishes of the Board, should vacate the office of the person who thus acts. Harmony of action should be preserved, or the efficiency of the school is very much impaired.

The evident intent of the law in regard to the employment of teachers is, that a majority of the Board shall hire the teacher. If the Clerk obtains, with his own, the endorsement of another member of the Board, they two constitute a majority—the Clerk merely carrying out the wishes of the Board in drawing up and signing the contract in his capacity as *Clerk* of the Board. If the District Clerk had the power to set the other members of the Board at defiance, he would be the sovereign of the district, unless there was some remedy against such an unwarranted assumption of power.

There is such a remedy in the law, which, in effect, declares that a majority of the Board shall select the teacher, as two of them are required to sign the contract; then it plainly becomes the duty of the Clerk to draw up the contract and sign it. If he refuses to do this, the other members of the Board should at once declare his office vacant, and proceed to appoint one in his place, who will feel it to be his duty to carry out the expressed wishes of the Board and the people. Still, the Clerk may have good and valid reasons for such refusal, in which case, upon appeal to this Department, the matter will be decided. The Clerk has no right to question the qualifications of a teacher chosen by the Board, as that question is considered settled if he has a certificate from the Town Superintendent. And if the Board agree as to the teacher, it becomes the duty of the Clerk of the Board to carry into effect their wishes. This arises from what has before been stated, that the Clerk acts in a double capacity—as a member of the Board, and as Clerk of the Board.

A District officer cannot qualify after the ten days allowed by law have expired. His office is then vacant, and must be filled by the remaining members of the Board, or if they fail to do so within the proper time, by the Town Superintendent.

If a District officer removes from the District, his office becomes vacant from the time of such removal. If such removal is not a permanent one, but still one which interferes with the proper discharge of his official duties, his office should be deemed vacant.

The duties of the office of District Clerk and teacher of the school of the same district, are incompatible. The Clerk is the agent of the district, and one of the Board to employ a teacher; and while acting in that capacity cannot act as teacher, as he would have to enter into contract with himself, determine his own wages, and draw orders for the payment thereof, and do other things which are inconsistent, not to say illegal. If the District Clerk desires to teach the school of his district, he should resign, and have some one appointed to fill his place.

Nor can the Town Superintendent teach as a *qualified* teacher, as he cannot qualify himself. If the Board hire an unqualified teacher, they are individually responsible. No school money can be received from the State if the school is taught by an unqualified teacher, and

the Town Superintendent, while acting as such, cannot be a qualified teacher. If he wishes to teach, he *must* resign as Town Superintendent, and receive a proper certificate of qualification from his successor. This matter has already been more fully noticed under the head of *Town Superintendent—His Powers and Duties.*

The Director has no right to commence a suit against the *Clerk*, but he can institute proceedings against the Treasurer. Either the Town Superintendent should commence proceedings against a District Clerk, or else the District Meeting should institute such action, when the Director may appear for and in behalf of the district, unless some one else has been specially designated for that purpose.

DISTRICT BOARD.

When any portion of the school money is applied to the payment of the wages of a teacher not duly qualified, or is otherwise illegally appropriated, the District Board making such unauthorized expenditure are personally liable to the district for the amount.

Although a scholar has a legal right to attend the school of the district in which he is a resident, his own conduct may deprive him of that right. If his behaviour is disorderly and uncontrollable, and he persists in a violation of the discipline and regulations of the school, after all legal and proper means have been exhausted on the part of the teacher to secure his reformation, the teacher should submit the facts to the District Board; and if their intercession proves unavailing, they should expel him from school. For it is better that one should be expelled, than the usefulness of the school destroyed. A teacher has no authority to expel a scholar. A scholar who has been expelled can only be re-admitted on satisfactory evidence presented to the District Board of a determination on his part to comply with all reasonable regulations of the school.

The law provides that "the District Board shall have the care and keeping of the school house and other property belonging to the district," and the question arises as to the extent of the power conferred by this provision, and to what uses the school house should be confined by the District Board. The general principle applicable to cases arising under this provision, is this: that it is the duty of the Board to exercise such general supervision over the care and man-

agement of the district school house, as that the instruction of the pupils in the school shall not be embarrassed by any use of the house other than for school purposes; and that the property of the district and the furniture, apparatus, books and papers belonging to the school, or the pupils, shall not be injured or destroyed. Any use of the house in subordination to these restrictions, and not inconsistent with the main purposes for which it was designed, must be left to the determination and pleasure of those to whom it belongs, whose wishes and directions, in this respect, the District Board are bound to carry out.

The school house is the property of the district, and subject to its control, within the limitations of the law. The purpose for which it was erected must be pursued, and nothing can be suffered to interfere with that. But when that purpose is accomplished, there is neither reason nor law for prohibiting its application to any object of social or moral improvement which a majority of the voters of the district may sanction. Upon this principle, and subject to the restrictions and limitations referred to, it may be used, out of school hours, and when not wanted for any district purposes, for lectures, debating societies, religious meetings, or any other moral, literary or useful purpose, with the approbation of a majority of the district. The Distri t Board are responsible for any damage the school house may receive while being used, for purposes not authorized by the district, by their consent.

The District Board have no authority to levy a tax without a vote of the district.

The District Board can not discharge a teacher who has performed his duties according to contract, without incurring the liability on the part of the district, of paying the teacher for the whole time he contracted to teach. A teacher once hired should not be dismissed, except for imperative reasons, as it breaks up the regularity of the schools, and endangers the prosperity of the district, and it may not be possible to procure another teacher in time to meet the requirements of law, in maintaining a three months school, in order to share in the apportionment. Several cases have already come to the knowledge of this Department, in which districts will be deprived of their apportionment for this reason.

The immediate government of the school must rest with the teacher; but his acts are all under the control of the District Board. In all cases, unless it is impossible so to do, the teacher should be sustained by the Board, as an interference on their part, except in his support, weakens his influence, and tends to destroy his authority, and a school without good government is of little use.

The District Board have authority to employ a teacher for three months without the direction of a vote of a district meeting.

The School Law makes it imperative upon district schools to have certain branches taught, but the same law gives the Board power to add such other studies as they may deem proper, such as writing compositions, declaiming, etc.

The power to determine what text books shall be used in the several branches taught in district schools, is vested solely in the District Board, under the advice of the Superintendent of Public Instruction.

In many school districts it is the practice of the District Board to engage a teacher with the understanding that he shall board with the parents of the children attending school proportionably to the number sent. There is no authority for such a contract, and it cannot be enforced on the inhabitants. If by mutual and general consent, such a course is sanctioned and adopted by the inhabitants of a district, it will have the effect to lighten the burden of taxation, and prove otherwise agreeable. If this is not done, there is no other way than to contract to pay the teacher a specified sum per month, or term, and let him board himself; and if the public money is insufficient to pay the teacher, the balance must be assessed and collected upon the taxable property of the district like other taxes.

The power to admit pupils from without the district rests entirely with the Board. The first duty of the district officers is to meet the wants of the children within their own district, and if they see fit they can admit others. In no case can a tuition fee be collected from scholars from without the district—except for attendance on Union or High Schools.

In case pupils from without the district apply for admission in the district school, the teacher should be consulted, as he contracts to teach the children of a particular district. If he refuses, it would

be well for the Board to be governed by his wishes, as he can tell far better than they whether such additions will detract from his usefulness to the scholars of the district.

SCHOOL MONEYS, ETC.

The amount of *all* expenditures incurred by a school district for any purpose authorized by law, over and above what is satisfied by the amount of school money apportioned to it, must be raised by tax upon the taxable property of the district; and each contemplated item of expenditure should be specifically stated in the resolution adopted by the meeting sanctioning such expenditures.

When the whole amount of tax raised for a specific purpose is not required for that purpose the balance may be used for such other legal object as the district may direct.

Money raised and collected in any town for school purposes, should not be paid over to the County Treasurer, but retained by the Town Treasurer, and paid by him to the Town Superintendent on application.

No more money can be legally expended in the erection or repair of a school house than is necessary for common school purposes. A school house should be built solely with reference to the object for which it is intended, and to the convenience and comfort of scholars and teachers. The law empowering school districts to raise a tax to build a school house, does not contemplate that they should have power to tax the people to build a church.

Section 100 of the School Law authorizes school districts to borrow money to build or purchase a school house, but this section must not be made to apply to borrowing money for any other purpose.

DISTRICT MEETINGS.

School district meetings are authorized to "alter, repeal and modify their proceedings as occasion may require." This is to be understood as granting only a conditional power; for whenever contracts have been actually entered into, liabilities incurred, or expenditures of money made, in the prosecution of any measure directed by the district, a repeal, alteration or modification of such measure

will not be sanctioned, as no means exist to indemnify those who may be losers thereby. When district officers have been legally elected at any district meeting, neither that nor any subsequent meeting have any power to reconsider or rescind the vote, whether by ballot or otherwise, by which such officers were chosen. A district officer, when elected, cannot be deposed by a vote of a district meeting.

A tax cannot be voted for arrearages generally, or to reimburse district officers for moneys expended by them, unless it appears by the vote that the money is to be applied to the objects for which taxes may be raised; all such votes must be taken by ayes and noes, and entered at length upon the district records.

When the voters of a school district have by a vote to that effect, authorized the District Board to make repairs upon the school house, or to do any other lawful acts involving an expenditure of money, they will be required to save the district officers harmless if the latter have acted in good faith.

The voters of a district may legally vote a tax to enlarge their school house, notwithstanding it may have already cost $500 00 without a certificate from the Town Superintendent.

A school house built by subscription may, if under the control of the District Board, be kept in repair by a tax upon the taxable property of the district.

The voters of a School District cannot, by a vote to that effect, direct that the requisite *fuel* shall be provided by those persons sending children to school, in proportion to their attendance, as no such vote can be enforced. The inhabitants may *voluntarily* contribute their proportion of fuel, which will of course lessen the amount of taxes to be raised; but if they do not, the District Board are required to furnish fuel, to be paid for by a tax levied upon the taxable property of the district.

DISTRICT SCHOOLS—WHO MAY ATTEND—TEACHER, ETC.

Every person over four and under twenty years of age has a legal right to attend the common school of the district in which he resides, free of charge; but has no legal right to attend the school of any other district.

The District Board of any district have a right to exclude from their school children not residing therein; *Provided,* No directions to the contrary have been given by a meeting of the district. Such officers may permit children residing in another district to attend their school; but this should never be done if opposed by a majority of the voters, or if it will in any way tend to discommode the scholars who have a legal right there.

The object of the District Board should be, in the first place, to secure, as far as possible, every advantage and facility to the children of their own district for partaking of the benefits of the school. When that is done, scholars from adjoining districts may be admitted if such admission will not operate to the injury of their own. If children from other districts are admitted, it should be without charge for tuition, as its collection cannot be enforced.

The residence of children, as a general rule, follows that of their parents or guardians. The fact that a scholar goes from one district into another to reside, for the sole purpose of attending school, does not constitute such a residence as to give him a legal right to attend the school.

Children under four years of age should never be permitted to attend district schools; and the District Board should never object to the admission of persons over twenty years of age to the school of the district in which such persons reside, unless their attendance will prevent the attendance or proper instruction of those of legal age.

The teacher of a school has necessarily the government of it; and he may prescribe the rules and principles on which such government will be conducted. The District Board should not interfere with the discipline of the school except on complaint of misconduct on the part of the teacher; and they should then, invariably sustain the teacher, unless his conduct has been grossly wrong, lest they do greater injury than has already been done. The teacher should at all times consult with the Board, and as far as possible follow their advice and direction in all matters of discipline.

The law does not prescribe what punishment may be inflicted by a teacher in the government of a school; and the practice of inflicting corporal punishment has no sanction but usage. The teacher is re-

sponsible for the maintenance of good order, for without order there can be no proficiency in the school; and he must be the judge of the degree and nature of the punishment required, as circumstances arise, always acting dispassionately, and with an earnest desire to do that which will most advance the interest of the school, and the reformation of the offender. But the teacher is liable to the party injured for any *abuse* of a prerogative that is wholly derived from custom. It would always be advisable for teachers, as far as possible, to avoid corporal punishment, as tending to debase and harden the minds and feelings of the scholars. If such punishment is ever inflicted, let the offender be punished in private, and not make his disgrace a public spectacle; and by thus showing respect for the finer feelings of our common human nature, much would be done towards removing the occasions in which corporal punishment would ever seem necessary.

When a person enters into a contract with a district as teacher, he engages to teach the school seven hours, including the usual intermissions, each day, and no longer, unless particularly specified in the contract; and his authority over the scholars extends only to the school house and play-grounds. For he might with the same propriety be expected to *teach* the scholars beyond the usual time each day as that he should *govern* them beyond that time, while coming to and going from school. It is customary with teachers to make the conduct of their scholars at all times, a subject of inquiry and advice, having a pride in observing proper deportment on their part on all occasions; but they have no authority, nor can they be required, to examine into their conduct out of school hours, and beyond the grounds of the school house.

School money can be applied only to the benefit of such schools as are established by the District Board in pursuance of law. A select school established and supported by the patrons thereof, and for their sole benefit, is not a common school within the meaning of the law, and is not entitled to public money. To receive aid from the State, the school must be free to all children between four and twenty years of age, and must be under the supervision and control of the legally appointed school officers. No tuition fee can be charged.

When a district school is duly established, free to all children

between four and twenty years of age, and is under the control and supervision of the proper school officers, the fact that it is supported by *voluntary* subscription, instead of by tax, does not deprive it of its right to a portion of the public money.

APPORTIONMENT.

The moneys received from the State, together with the tax levied by the County Board upon the several towns, and collected and paid to the Town Superintendents, should be as soon as possible apportioned between the districts by the Town Superintendent, according to the number of children in each district. All other taxes levied either by towns or by districts must be paid to the districts levying and collecting the same.

SCHOOL HOUSES.

The following hints in regard to School Houses are given merely as directory to the Districts, The houses now in use by many able and densely populated districts in the State are a disgrace to the people, and might be fitted up in a tasty and attractive manner at little expense. We hope that more attention will be paid to this than has been heretofore.

As the location of school houses, and their interior and exterior arrangements, exert a very important influence upon the discipline and proficiency of schools, and the morals and habits of the scholars, it is thought proper to submit a few suggestions upon the subject, which it is believed, will recommend themselves to the approving consideration of every person interested in the health and comfort of his children, and the credit and prosperity of the schools.

LOCATION OF SCHOOL HOUSES.

The site of the school house should be in a dry, healthy and sheltered situation, accessible from all parts of the district, and retired

from the dust, noise and danger of the highway; the vicinity of places of idle and dissipated resort should be avoided, as well as places of public business; and if it can be so chosen as to overlook a delightful country and be surrounded by picturesque scenery, it will be increasing the attractions that should always surround it.

"The first aim should be to select a *healthy* location, for no combination of advantages in other respects can compensate for the absence of this; and the house should be built at any point, no matter how far distant from the center, or the district should be disorganized and attached to those which surround it, rather than expose the children every time they step outside the school-room to the poisonous miasma arising from marshes and low lands in the summer, or the piercing blasts and severe cold of an elevated situation in the winter. Neither should a school-house be built on a level arid waste, where the scorching rays of the sun pour down continuously during the long summer days, drying up vegetation, burning the life out of the atmosphere, and enervating the body and mind of teacher and pupils, but on a gentle eminence, sufficiently elevated to be always free from standing water, and protected, if possible, from winter's winds by a ridge of land or a grove of timber.

"Having selected the spot for a site, the next thing in order is to determine its size, and this is the second point at which mistakes are usually made, though there is not generally as much contention about the *size* as about the *locality* of the site, all agreeing in providing the smallest one that will answer the purpose. In many instances the front of the house is set even with the road fence, leaving no yard except that furnished by the street; in others the fence curves beautifully around the rear of the house, leaving space enough for teams to pass, and an area at the sides on which to pile the firewood, and serving as a place of deposit for ashes, litter, etc.

"Notwithstanding the interest felt in the subject of education, and the improvements which have been made in the construction of school-houses, actual examination of a large portion of the State, has convinced us that not one school-house in a hundred has a yard of suitable size and properly enclosed, and this is true of sections of country in which land is not worth more than ten dollars per acre,

"Now, that every school-house should have an enclosed yard, is

evident from the following considerations: First, as a matter of economy. The house and appurtenances are always more liable to damage from accidents, and trespasses on the part of animals, rude boys and uncivilized men, when standing open to the street, than when surrounded by a good fence.

"Second, on the score of neatness. A yard or area to which hogs and horned animals have access at their pleasure, is not a fit place for young children to sport and play in, and it is impossible for the teacher to exert a proper influence upon his or her scholars in regard to cleanliness, and the personal habits connected with it, so long as the school-house is situated in the highway, and surrounded by the filth which usually accumulates under such circumstances.

"Third, pupils should have sufficient room for exercise and amusement without using the highway for that purpose, not only because they are liable to injury from passing teams, and often frighten skittish horses, causing their drivers annoyance and trouble, but because of the influence the unrestricted use of the highway will have upon their future characters and lives.

"Habits of lawless self-indulgence and disregard of others' rights are the legitimate results of lessons learned in the street, and all who realize the truth of the saying, that "the child is father to the man,,' will see in unfenced school-houses, cemeteries, and the like, a cause for the prevalence of the idea which regards the public as an outlaw, whom all are at liberty to hunt and plunder.

"Every country school-house should have a yard containing at least one acre of land, and should be so arranged as to afford a separate play-ground for each sex, with proper out-buildings."—A. J. Craig, *Editor of Wis. Journal of Education.*

SCHOOL HOUSE.

The school-house should present a handsome exterior, and in every respect an inviting and attractive appearance. There should be a separate entrance to the school-house for each sex, opening into rooms distinct from each other and from the school-room, These rooms should be fitted up with scrapers and mats for the feet; with hooks, shelves, &c., for hats, coats, umbrellas, etc.; with sink, basin and

towels, and all the means and appliances necessary to secure habits of order and cleanliness.

"In determining the size of a school-house, reference should be had not merely to the number of children needing accommodation at present, but also to the probable number who may be residents of the district for several years in the future. A district in which there are forty children of an age suitable to attend school, should erect a house capable of accommodating sixty pupils at the least.

"We will suppose, then, that a house is to be built to accommodate that number of pupils; the size and arrangement of the seats are first to be considered. The best arrangement is a single seat and desk for each pupil, but when such cannot be had, double seats and desks for two pupils will do very well, and will cost but little more than the old fashioned long seat and desk."

THE SCHOOL ROOM.

The school room, in addition to the space required for aisles and the teacher's platform, should be large enough to accommodate, with a seat and desk, every scholar who is entitled to attend the school, and also to allow at least one hundred and sixty cubic inches to each scholar; so that a room twenty-five feet by thirty, and ten feet in height, is none too large for the healthy and convenient accommodation of forty-five scholars. The room should be well lighted, with windows on the sides of the building, so that the light will not shine directly upon the faces of the scholars, and should be furnished with curtains or blinds. The teacher should have a platform raised a few inches from the floor, and supplied with a desk, situated near the front entrance to the school room.

SEATS AND DESKS.

The seats and desks should be so arranged that all scholars will sit facing the teacher in his desk; and should be so constructed that but two scholars will occupy one seat and desk, which should be at least three feet eight inches long. Thus no scholar will disturb another by leaving his seat. A separate seat and desk for each scholar would be still better. The height of the seats and desks should be

graduated to suit the ages of the different scholars. For a child ten years of age the seat should be about thirteen inches high, and desk twenty-two inches; width of the seat about eleven inches, and of the desk fourteen inches. For a scholar seventeen years of age the seat should be sixteen inches high and thirteen wide; the desk twenty-eight inches high and eighteen wide. Three inches of the upper surface of the desk should be level, the remainder sloping not more than one inch in a foot, and the edge should be in the same perpendicular line with the front of the seat. The back of the seat should slope about two and a half inches in sixteen.

The room should be properly warmed, and kept at an even temperature of about sixty-eight degrees; and as stoves are mostly used for this purpose, the pipe should be carried as high as possible above the heads of the scholars, to a flue within or next to the wall.

Every school room should be supplied with at least a black board, and three outline maps—one of each hemisphere, and one of the United States. Other maps, charts and apparatus, should be furnished as the wants of the district suggest, and its means will allow. Pictures of persons, or scenes suited to a proper moral effect, are desirable and useful decorations of a school room.

VENTILATION OF SCHOOL ROOM.

It is a well ascertained fact, that the amount of air inhaled by a healthy adult during three hours, is at least seventy-five cubic feet, *and that air once respired will not further sustain animal life.*—Therefore forty-five scholars, during a three hours session of school, would exhaust the vitality of three thousand three hundred and seventy-five cubic feet of air; and were they kept in an air-tight room, twenty by twenty-four feet, and seven feet in height, and could they breathe the pure air until it is all once respired, they would all die before the expiration of three hours. Such a condition of things cannot well exist, but there are cases of approximation to it, and this is given as an instance, to show the necessity of large rooms, high ceilings, and proper ventilation. For air once respired, mixes with and vitiates the pure air remaining in the room, rendering its repeated inhalation unhealthy and injurious, enervating both body and

mind, and rendering both teacher and scholars unfit to pursue the object for which they are assembled. Proper means for ventilation should be provided in all school rooms for the escape of the foul air, and admission of pure air, and should be regarded as of primary importance in the construction of a school house. This may be done by constructing the windows so that the upper sash can be lowered, and by an opening, at least one foot in diameter, near the ceiling, into a flue which leads into the open air.

If the ventilating flue can be carried up close beside or within the smoke flue, the warmth of the latter during the season when a fire is necessary, will materially aid the escape of foul air. Fresh air may be supplied by an opening in the floor under the stove, supplied with a tube leading beneath the floor, through the outside wall of the building.

In conclusion, we would strongly urge upon the people of the State to foster their district schools,—those nurseries of wisdom and intelligence, and upon which the future of our nation so intimately depends. The annual meetings should be fully attended, and officers selected with a conscientious reference to their fitness for the office.

Another point of vital importance is the selection of proper teachers. A good teacher is the cheapest in all cases; and we would urge upon district officers the absolute necessity of looking well to the moral as well as mental qualifications of the teacher. The teacher should also be encouraged by frequent visits from the patrons of the school,—not in a manner to interfere with the discharge of his duties, nor to find occasion of complaint, but to show a proper interest in the great work to which he is devoted.

It may also be observed that the harmony and good feeling that should exist in school districts and communities in relation to common schools, and the generous support that should be given to our free school system, depends much upon the enlightened zeal with which district officers and Town Superintendents fulfil the delicate and responsible trusts confided to them by the people. School officers are the agents of the people in carrying out and effectuating the great republican principle of free schools; and it

is hoped that the happy effect thus far experienced by the administration of this system, will not be suffered to decline in interest with the people, or usefulness to the children dependent upon it for an education, through indifference or omission of duty on their part.

LYMAN C. DRAPER,
State Superintendent of Public Instruction.

TEXT BOOKS RECOMMENDED.

In this age of improved text books it is no pleasant task to commend one book, or series of school books, as superior to all others of the kind. Yet it is one of the obligations imposed by law on the State Superintendent—"it shall be his duty to recommend the introduction of the most approved text books, and as far as practicable to secure a uniformity in the use of text books in the Common Schools throughout the State." "The Board in each district shall have power, *under the advice of the Superintendent of Public Instruction*, to determine what school and text books shall be used in the several branches taught in the school of such district." The law, then, makes it the "duty of the State Superintendent to *recommend*," while "the power of determining what school and text books shall be used," is vested in the District Board, under the advice of the State Superintendent. It is a further duty of the State Superintendent to *secure*, as far as practicable, a uniformity in the use of text books throughout the State. How all this can be effected, is not so easily determined. It would be folly for the State Superintendent to recommend text books, and endeavor to secure a uniformity in their use, if the District Boards have full power to determine this matter for themselves. And if the four thousand District Boards in the State, have full control of this subject, and can select what text books they please, how can a uniformity by any possibility be secured? But this power on the part of the District Boards is plainly limited; they can only determine under the advice, or recommendation of the State

Superintendent. To meet this view of the case, and leave the District Boards some latitude, two kinds of text books upon the principal branches taught, are respectfully recommended in the following list.

Other series of Readers are regarded as good,—Towers', Sargent's, Town & Holbrook's, Sanders', and Lovells'; but after a careful examination of the merits of all, and consultation with several of the prominent educators of the State, preference is given to Parker & Watson's new series of National Readers, and McGuffey's Eclectic Educational series.

It has been already observed, that when different text books from those here recommended are at present in use, a sudden change might not be desirable; but as soon as the old supply is worn out, and sooner if the district will sanction it, let the proper change be made—for the proficiency of the scholars will greatly depend upon their having the best text books extant.

Spellers and Readers—National Series, McGuffey's Series.

Moral Instruction—The Bible, Cowdery's Moral Lessons.

Grammars—Greene's First Lessons, Elements of English Grammer, Analysis; Clark's Grammar.

Geographies—Monteith & McNally's Series, Warren's Geography, Warren's Physical Geography.

Mathematics—Davies' Arithmetics and Algebras; Ray's Arithmetics and Algebras; Stoddard's Intellectual Arithmetic; Colburn's (Prof. D. B.) Arithmetic and its Applications; and Davies' Higher Mathematics.

Composition, &c.—Brookfield's First Book; Quackboss' First Lessons; McElligott's Analyzer.

Speakers—Northend's Little Speaker; Northend's American Speaker; Zachos' New American Speaker.

Book-Keeping—Mayhew's Practical System; Fulton & Eastman's Book-Keeping.

Histories—Lossing's Primary U. S. History; Lossing's Pictorial U. S. History for Schools; Wilson's Outlines of General History; Willard's Universal History.

Outline Maps—Pelton's, Mitchell's.

Drawing—Coe's Drawing Cards, Otis' Drawing books of Animals and Landscapes.

Government—Sheppard's Constitutional Text Book.

Philosophy, &c.—Parker's Philosophy, Wells' Philosophy, Wells' Science of Common Things, Peterson's Familiar Science.

Chemistry—Porter's First Book of Chemistry; Porter's Principles of Chemistry; Youman's Class Book of Chemistry.

Botany—Wood's First Lessons; Wood's Class Book; Gray's Botanical Text-book.

Astronomy—Kiddle's Manual.

Geology—Hitchcock's.

Physiology, Hygiene, &c.—Loomis' Physiology; Mrs. Porter's "Know Thyself;" Cutler's Physiology.

Zoology—Mrs. Redfield's Chart of the Animal Kingdom; Mrs. Redfield's Zoological Science.

Music—Bradbury's Young Melodist; Bradbury's School Singer.

Reference Books—Webster's Dictionaries; Lippincott's Pronouncing Gazetteer of the World; Lippincott's Gazetteer of the United States.

School Architecture—Barnard's School Architecture, or Contributions to the Improvement of School Houses in the United States, $2 00; Barnard's Practical Illustrations of the Principles of School Architecture—an abridgment of the preceding—price 50 cents.

*** The *School Teachers' Library* is eminently worthy of the attention of all educators. The series consists of—

Northend's Teacher and Parent;

Page's Theory and Practice of Teaching;

Mansfield on American Education;

De Tocqueville's American Institutions;

Davies' Logic of Mathematics;

Mayhew on Universal Education;

Roos on School Amusements.

MORAL AND RELIGIOUS INSTRUCTION

IN PUBLIC SCHOOLS.

OFFICE OF SUP'T OF PUBLIC INSTRUCTION,
MADISON, WIS., May 31st, 1858.

DANIEL COLLINS, ESQ., WATERTOWN:

DEAR SIR—I duly received your favor of the 20th inst., in which you inform me, that the Board of Education of Watertown, of which you are a member, have "unanimously resolved, that the reading of the Bible, and all forms of prayer, be discontinued." You assign, as your justification for this action, the fact that your community is composed of so many different national elements; and, in conclusion, you ask my opinion on the subject.

I very much regret that there should have occurred any serious differences of opinion in regard to the management of the public schools of your city; and, above all, do I regret that such differences should have had their origin with reference to the use of the Bible. The Constitution very properly, I think, prohibits "sectarian instruction" in the public schools of the State; but this certainly cannot justly be construed to mean the total exclusion of the Bible from the schools, or that simply repeating the Lord's Prayer, as has been done in your public schools, or indeed uttering any other liberal, unobjectionable prayer, could, in any just sense, be regarded as sectarian. This is my view and understanding of the matter, and I feel quite confident that this is also the practical, common-sense view taken of it by the great mass of the people of Wisconsin, without any regard to sectarian connections or partialities.

You ask if the reading of the Scriptures and offering prayer are the common practice in the public schools of this State? To a considerable extent, I presume it is; perhaps almost invariably so, when in accordance with the teacher's wishes. And such, too, is the practice, to a great extent, in other portions of our own country, and in Europe. And more than this, religious instruction is imparted in the

public schools of the most enlightened countries of the world—in some of them it is sectarian, but in many it is not. In Great Britain, France, Prussia, Germany, Belgium, Holland, Bavaria, Saxony, Austria, Norway, Sweden, and Switzerland, more or less religious instruction is given in the public schools; and even in Russia it is a national maxim, that "religious teaching constitutes the only solid foundation of all useful instruction."

No more enlightened statesman, or abler advocate for religious instruction in public schools, has appeared in any age or country than the celebrated M. Guizot, who has repeatedly been chosen as the Minister of Public Instruction in France. In addressing the French Chambers, while discussing his scheme of primary education for France, he said: "You have admitted moral and religious instruction as an essential part of primary education; but, gentlemen, moral and religious instruction is not like a reading lesson, or a question in arithmetic, to be gone through at a particular hour, and then laid aside. Moral and religious instruction is a work of all hours and all times. The atmosphere of a school ought to be moral and religious, and this is the only condition on which you can have moral and religious instruction in your schools. Children reach the age in which the sciences are to be studied, but in Primary Schools if you lay not a foundation of morality and religion, you build upon the sand. Does not the teacher open and close the school with prayer? In teaching the children to read, is it not in the Catechism? In teaching them History, is it not that of Scripture? In a word, religious instruction is mingled with all the proceedings at all hours, in a Primary School. Take heed of a fact, which was never so brightly apparent as at this day: Intellectual culture, if accompanied by moral and religious culture, produces ideas of order, and of submission to the laws and becomes the basis of the greatness and prosperity of society. Intellectual culture alone, not so accompanied, produces principles of insubordination and disorder, and endangers the social compact." Elsewhere speaking of his Bill, he observed: "By moral and religious instruction, it provides for another class of wants quite as real as the others, and which Providence has placed in the hearts of the poorest, as well as of the richest, in this world, for upholding the dignity of human life and the protection of social order." Speaking of

the teacher, and his high and important mission, he remarked: "Nothing can supply for you, the desire of faithfully doing what is right. You must be aware, that, in confiding a child to your care, every family expects that you will send him back an honest man; the country, that he will be made a good citizen. You know that virtue does not always follow in the train of knowledge; and that the lessons received by children might become dangerous to them, were they addressed exclusively to the understanding. Let the teacher, therefore, bestow his first care on the cultivation of the moral qualities of his pupils. He must unceasingly endeavor to propagate and establish those imperishable principles of morality and reason—without which, universal order is in danger; and to sow in the hearts of the young those seeds of virtue and honor, which age, riper years, and the passions, will never destroy. Faith in Divine Providence, the sacredness of duty, submission to parental authority, the respect due to the laws, to the King, and to the rights of every one—such are the sentiments which the teacher will strive to develop."

Professor Stowe, in his Report on Elementary Instruction in Europe, remarks: "In regard to the necessity of moral instruction and the beneficial influence of the Bible in schools, the testimony was no less explicit and uniform. I inquired of all classes of teachers, and men of every grade of religious faith, instructors in common schools, high schools, and schools of art, of professors in colleges, universities and professional seminaries, in cities and in the country, in places where there was a uniformity, and in places where there was a diversity of creeds, of believers and unbelievers, of rationalists and enthusiasts, of Catholics and Protestants; and I never found but one reply, and that was, that to leave the moral faculty uninstructed was to leave the most important part of the human mind undeveloped, and to strip education of almost every thing that can make education valuable; and that the Bible, independently of the interest attending it, as containing the most ancient and influential writings ever recorded by human hands, and comprising the religious system of almost the whole of the civilized world, is in itself the best book that can be put into the hands of children to interest, to exercise, and to unfold their intellectual and moral powers. Every teacher whom I consulted, repelled with indignation that moral instruction is not proper for

schools; and spurned with contempt the allegation, that the Bible cannot be introduced into common schools without encouraging a sectarian bias in the matter of teaching; an indignation and contempt which I believe will be fully participated in by every high-minded teacher in christendom."

Professor STOWE, speaking of the German teacher, observes:—"Sometimes he calls the class around him, and relates to them in his own language, some of the simple narratives of the Bible, or reads it to them in the words of the Bible itself, or directs one of the children to read it aloud; and then follows a friendly, familiar conversation between him and the class respecting the narrative; their little doubts are proposed and resolved, their questions put and answered, and the teacher unfolds the moral and religious instruction to be derived from the lesson, and illustrates it by appropriate quotations from the didactic and preceptive parts of the Scriptures. Sometimes he explains to the class a particular virtue or vice, a truth or a duty; and after having clearly shown what it is, he takes some Bible narrative which strongly illustrates the point in discussion, reads it to them, and directs their attention to it, with special reference to the preceding narrative."

"Nothing," says HORACE MANN, "receives more attention in the Prussian schools than the Bible. It is taken up early and studied systematically. The great events recorded in the Scriptures of the Old and New Testament; the character and lives of those wonderful men, who, from age to age, were brought upon the stage of action, and through whose agency the future history and destiny of the race were to be so much modified; and especially, those sublime views of duty and of morality which are brought to light in the Gospel, these are topics of daily and earnest inculcation in every school. To these in some schools, is added the history of the Christian religion, in connection with contemporary civil history. So far as the Bible lessons are concerned, I can ratify the strong statements made by Prof. STOWE, in regard to the absence of sectarian instruction, or endeavors at proselytism."

Lord BROUGHAM, in pleading for a system of national education for England, exclaimed: "Shall we, calling ourselves the friends to human improvement, balance any longer upon some party interest,

some sectarian punctilio, or even some refined scruple, when the means are within our reach to redeem the time, and to do that which is most blessed in the sight of God, most beneficial to man? Or shall it be said, that between the claims of contending factions in Church or in State, the Legislature stands paralyzed, and puts not forth its hand to save the people placed by Providence under its care, lest offence be given to some of the knots of theologians who bewilder its ears with their noise, as they have bewildered their own brains with their controversies? Lawgivers of England! I charge ye, have a care! Let us hope for better things. Let us hope it through His might and under His blessing who commanded the little children to be brought unto Him, and that none of the family of mankind should be forbidden; of Him who has promised the choicest gifts of His Father's kingdom to those who in good earnest love their neighbors as themselves."

Hon. J. B. Meilleur, late Superintendent of Education for Lower Canada, thus remarks in his last Annual Report: "As the moral and religious department of education has become matter of discussion, and some have proposed that we should limit our teaching in our schools to the ordinary acquirements of science, without troubling ourselves with religious education, I consider it my duty to protest in this place against the fatal tendency of such a system. The aim of education is to render men perfect, and to qualify them to fulfill their duties towards God, towards their families, towards society, and towards themselves. Every system of education having a different object would be subversive of the great principles on which society is based, and without which a nation could never become strong, or great or prosperous. Every system of national education ought to be, above all, moral and religious, and without this we could not have a well-ordered society."

Washington, in his Farewell Address to the American People, has left us this noble testimony in favor of Religion and and Morality: "Of all the dispositions and habits, which lead to political prosperity, Religion and Morality are indispensible. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the

pious man, ought to respect and to cherish them. A volume could not trace all their connexions with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle. It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who, that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge."

The profound intellect of DANIEL WEBSTER, was especially directed to the connection of the Bible and Christianity with educational institutions, as may be seen by the following extracts from his masterly argument in the Girard College case in the Supreme Court of the United States: "I maintain," said WEBSTER, "that, in any institution for the instruction of youth, where the authority of God is disowned, and the duties of Christianity derided and despised, and its ministers shut out from all participation in its proceedings, there can no more be charity, true charity, found to exist, than evil can spring out of the Bible, error out of truth, or hatred and animosity come forth from the bosom of perfect love. * * * *

"The ground taken is, that religion is not necessary to morality; that benevolence may be insured by habit, and that all the virtues may flourish, and be safely left to the chance of flourishing, without touching the waters of the living spring of religious responsibility. With him who thinks thus, what can be the value of the Christian revelation? So the Christian world has not thought; for by that Christian world, throughout its broadest extent, it has been, and is, held as a fundamental truth, that religion is the only solid basis of morals, and that moral instruction not resting on this basis is only a building upon sand. And at what age of the Christian era have

those who professed to teach the Christian religion, or believe in its authority and importance, not insisted on the absolute necessity of inculcating its principles and its precepts upon the minds of the young? In what age, by what sect, where, when, by whom, has religious truth been excluded from the education of youth? Nowhere; never. Everywhere, and at all times, it has been, and is, regarded as essential. It is the essence, the vitality, of useful instruction.

* * * * * * * *

"Mr. GIRARD says that there are such a multitude of sects and such diversity of opinion, that he will exclude all religion and all its ministers, in order to keep the minds of the children free from clashing controversies. Now, does not this tend to subvert all belief in the utility of teaching the Christian religion to youth at all? Certainly, it is a broad and bold denial of such utility. To say that the evil resulting to youth from the differences of sects and creeds overbalances all the benefits which the best education can give them, what is this but to say that the branches of the tree of religious knowledge are so twisted, and twined, and commingled, and all run so much into and over each other, that there is therefore no remedy but to lay the axe at the root of the tree itself? It means that, and nothing less! Now, if there be anything more derogatory to the Christian religion than this, I should like to know what it is. In all this we see the attack upon religion itself, made on its ministers, its institutions, and its diversities. And that is the objection urged by all the lower and more vulgar schools of infidelity throughout the world. In all these schools, called schools of Rationalism in Germany, Socialism in England, and by various other names in various countries which they infest, this is the universal cant. The first step of all these philosophical moralists and regenerators of the human race, is to attack the agency through which religion and Christianity are administered to man. But in this there is nothing new or original. We find the same mode of attack and remark in PAINE'S 'Age of Reason.' We find the same view in VOLNEY'S 'Ruins of Empires.' * * *

"But this objection to the multitude and differences of sects is but the old story, the infidel argument. It is notorious that there are certain great religious truths which are admitted and believed

by all Christians. All believe in the existence of a God. All believe in the immortality of the soul. All believe in the responsibility, in another world, for our conduct in this. All believe in the divine authority of the New Testament. Dr. PALEY says that a single word from the New Testament shuts up the mouth of human questioning, and excludes all human reasoning. And cannot all these great truths be taught to children without their minds being perplexed with clashing doctrines and sectarian controversies? Most certainly they can. * * *

"But, it is asked, what could Mr. GIRARD have done? He could have done as has been done in Lombardy by the Emperor of Austria, as my learned friend has informed us, where, on a large scale, the principle is established of teaching the elementary principles of the Christian religion, of enforcing human duties by divine obligations, and carefully abstaining in all cases from interfering with sects or the inculcation of sectarian doctrines. How have they done in the schools of New England? There, as far as I am acquainted with them, the great elements of Christian truth are taught in every school. The Scriptures are read, their authority taught and enforced, their evidences explained, and prayers usually offered.

"The truth is, that those who really value Christianity, and believe in its importance, not only to the spiritual welfare of man, but to the safety and prosperity of human society, rejoice that in its revelations and its teachings there is so much which mounts above controversy, and stands on universal acknowledgment. While many things about it are disputed or are dark, they still plainly see its foundation and its main pillars; and they behold in it a sacred structure, rising up to the Heavens. They wish its general principles, and all its great truths, to be spread over the whole earth.—But those who do not value Christianity, nor believe in its importance to society or individuals, cavil about sects and schisms, and ring monotonous changes upon the shallow and so often refuted objections founded on alleged variety of discordant creeds and clashing doctrines."

Nearly all our Legislative Assemblies, and successive sessions of Congress, have, from Colonial days to the present, so far recognized a superintending Providence as to open their daily sessions with

prayer. What could be more befitting both teacher and scholars, in their ardous and important avocations, than to unite, at the commencement of their daily toils, in reading a portion of the Sacred Scriptures, repeating the memorable prayer of our Lord and Savior, or otherwise humbly invoking the blessings of the Most High.

"At the meeting of the first Congress," says WEBSTER, "there there was a doubt in the minds of many of the propriety of opening the session with prayer; and the reason assigned was, as here, the great diversity of opinion and religious belief. At length Mr. SAMUEL ADAMS, with his gray hairs hanging about his shoulders, and with an impressive venerableness now seldom to be met with, (I suppose owing to the difference of habits), rose in that assembly, and, with the air of a perfect Puritan, said that it did not become men, professing to be Christian men, who had come together for solemn deliberation in the hour of their extremity, to say that there was so wide a difference in their religious belief, and they could not, as one man, bow the knee in prayer to the Almighty, whose advice and assistance they hoped to obtain. Independent as he was, and an enemy to all prelacy as he was known to be, he moved that the Rev. Mr. DUCHE, of the Episcopal Church, should address the Throne of Grace in prayer. And JOHN ADAMS, in a letter to his wife, says that he never saw a more moving spectacle. Mr. DUCHE read the Episcopal service of the Church of England, and then, as if moved by the occasion, he broke out into extemporaneous prayer. And those men, who were then about to resort to force to obtain their rights, were moved to tears; and floods of tears, Mr. ADAMS says, ran down the cheeks of the pacific Quakers who formed part of that most interesting assembly. Depend upon it, where there is a spirit of Christianity, there is a spirit which rises above forms, above ceremonies, independent of sect or creed, and the controversies of clashing doctrines."

How replete with practical wisdom and good sense were the remarks of the illustrious FRANKLIN, in the Federal Convention for the formation of our Constitution, pleading for prayer at the opening of each daily session. "Groping, as it were, in the dark," said FRANKLIN, "to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto

once thought of humbly applying to the Father of Lights, to illuminate our understandings? In the beginning of the contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for the Divine protection. Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending Providence in our favor. To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? Or do we imagine that we no longer need his assistance? I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—*that God governs in the affairs of men.*"

In discussing a subject of this character, many other high authorities might easily be cited in favor of the use of the Bible, and of moral and religious instruction in public schools, and of the peculiar propriety of opening their daily sessions with prayer—and all this, without necessarily having the least connection with sectarianism.—Enough, I trust, on these points, has already been adduced. With the weighty opinion of a WASHINGTON, a FRANKLIN, an ADAMS, a JEFFERSON, a BURKE, a BROUGHAM, a WEBSTER, a STOWE, and a MANN, among Protestants, and of a GUIZOT, and a MEILLEUR, among the enlightened educators of Catholic countries, together with the almost universal experience of this country, and my own personal observation of nearly forty years, I am unwilling to believe that any other than the happiest results would be likely to follow a discreet, un-sectarian use of the Bible in public schools, the inculcation of moral duties and obligations, and the opening of daily sessions of school with prayer.

A recognition of God as ruling in the affairs of men is substantially found in the Declaration of Independence, in the Constitution of the United States, and the Constitution of Wisconsin. Christianity is everywhere incorporated in the law of the land. It is recognized by Congress and by State Legislatures, and by the laws they enact, as well as by all our Courts of Judicature. The recognition of the Christian Sabbath, and of the religious obligations of oaths, the incorporation of so many of the laws of God, as recorded in the

Bible, into the fundamental laws of the land, and the universal respect paid to religion and religious observances, all tend to prove that the silent, yet all-powerful, influences of Christianity are indissolubly interwoven in our laws, and pervade all classes of society. That *God governs in the affairs of men*, was the deep conviction of the eminent philosopher, FRANKLIN; and in every thoughtful human heart there is an intuitive acquiescence in the truth of this profound remark.

"There is nothing," says WEBSTER, "that we look for with more certainty than this general principle, that Christianity is part of the law of the land. This was the case among the Puritans of New England, the Episcopalians of the Southern States, the Pennsylvania Quakers, the Baptists, the mass of the followers of Whitfield and Wesley, and the Presbyterians; all brought and all adopted this great truth, and all have sustained it. And where there is any religious sentiment among men at all, this sentiment incorporates itself with the law. *Every thing declares it.* The massive cathedral of the Catholic; the Episcopalian church, with its lofty spire pointing heavenward; the plain temple of the Quaker; the log church of the hardy pioneer of the wilderness; the mementoes and the memorials around and about us; the consecrated grave-yards, their tomb-stones and epitaphs, their silent vaults, their mouldering contents; all attest it. *The dead prove it as well as the living.* The generation that are gone before speak to it, and pronounce it from the tomb. We feel it. All, all proclaim that Christianity, general, tolerant Christianity, Christianity independent of sects and parties, that Christianity to which the sword and fagot are unknown, general, tolerant Christianity, is the law of the land."

If it be true, then, that Christianity pervades all the ramifications of society, why should we wish alone to exclude it from the nurseries of education? It has been decided by the Vice Chancellor, in the highest court of England, that "COURTS OF EQUITY, IN THIS COUNTRY, WILL NOT SANCTION ANY SYSTEM OF EDUCATION IN WHICH RELIGION IS NOT INCLUDED." FRANKLIN said to PAINE, when advising against the publication of his infidel works, "*Don't unchain the tiger!* If men are so bad with all the restraining influences of the Christian religion, what would they be without them!" JEFFERSON remarked

to WEBSTER, "BURKE never uttered a more important truth, than when he exclaimed that a religious education was the cheapest defense of nations." A prominent secular newspaper of our country, the New York *Courier & Enquirer*, recently remarked: "It will not be denied by any man, whether religious or otherwise, that the effect of personal religion upon the individual—and as a necessary result, upon society, which is but an aggregation of individuals—is in the highest degree happy, important, and desirable. In the allaying of unruly passions, the amelioration of selfishness, the uprooting of immorality and vice, the security of life and property, the steadying of trade, the increase of industry—all these upon motives far higher and more reliable than any mercenary ones—its advantages are palpable, and are admitted on every side."

Shall it ever be deemed a sacrilege—a desecration of the noble and holy purposes of education—a blighting injury to the morals of our beloved children, to permit the teachers in the public schools of Wisconsin to read a portion of the Sacred Scriptures, offer a prayer invoking the blessing of God upon their labors and the efforts of the children committed to their charge, or repeat the Lord's Prayer, all beautiful, as it is, in its simplicity and adaptation to the wants of all; or impress upon their young and susceptible minds those incomparable teachings, derived from the Bible, touching their moral duties to their parents, to each other, to society, and to God? I confess I cannot conceive how there could be any reasonable objection, any possible harm, in all this—untinctured with sectarianism as it would and should be; but, on the contrary, enduring good, in my opinion, would be the inevitable consequence.

There could be no more beautiful spectacle, none more truly ennobling, than a teacher inculcating and enforcing moral duties upon the young—love to parents, brothers, sisters, companions—love to the race of man, and love to the Giver of all good; love of country, truth, honesty and virtue—charity to the poor and unfortunate, and kindness to the brute creation;—in a word, pressing upon their attention those foundation principles which alone can make them good children, good men, good women, and good citizens. And such instructions can be imparted by the judicious teacher at suitable opportunities, without ever for a moment trenching on sectarian peculiarities.

Such is the abiding conviction, and such the practices of the civilized world. I am sure that the people of Wisconsin, who are generally conceded to possess as much virtue and intelligence as the citizens of any of their sister States, would never consent to utterly banish the Bible from their schools, and thus virtually repudiate its unequalled teachings of virtue and morality as unfit for the instruction and guidance of the children of their love—children who, at no distant day, must become the rulers and law-givers of the State, and the custodians of all that we now hold dear and sacred, our homes, our country, Christianity and the Bible.

I would not force the attendance of scholars, against their parents' or guardians' will, on the exercises of reading the Scriptures and offering prayer. The conscientious scruples of men are always deserving of respect; and no School Board, or liberal community, would wish to be arbitrary or overbearing in matters of conscience. In all such differences of opinion, there are necessarily two parties, and each have their rights; and these should be equally respected, so far as it is possible to do so. Where there are any honest objections to such exercises—and the School Board should be the judge in such cases—then it might be advisable to have these exercises conducted a little before the regular hour for opening the school, as I learn has been the case in the Watertown schools, or if in school hours, that such scholars might be permitted to retire; so that the children and wards of parents and guardians conscientiously objecting to their attendance on these exercises, might not be compelled to be present.

If a majority of the School Board prefer to have the common version of the Bible read in school, it is their right to claim their preference; if a majority prefer to have the Douay or Catholic edition read, it is their equal right to have it—but, in a matter of this kind, the Board in fairness and justice should faithfully represent the wishes of the district. But let the Bible be read, whatever be the version, reverently and impressively, and the blessing of the God of the Bible will never fail to attend it.

If the teacher sees proper, with the consent or approval of the School Board, to make remarks to his school of a moral character and application, he should be extremely cautious, and not travel out

of his way to lug in any thing that could, even by the most fastidious, be construed into a sectarian tendency. Such conduct would be bigoted, uncalled for, and unjustifiable—a direct infringement of the Constitution, and a violation of all confidence reposed by the district in the judgment and propriety of the teacher; and would, in my opinion, be sufficient cause for his dismissal.

Thousands and tens of thousands of judicious teachers, in the Old World and the New, constantly impart moral instruction to their pupils, without ever once obtruding, or desiring to obtrude, their views or opinions upon religious tenets or sectarian differences. I should have no fear of any such narrow-minded obtrusions, and violation of good faith, in the teachers of Wisconsin; while, on the other hand, to carry out the true spirit of moral instruction, on all suitable occasions, devoid of all sectarian tendencies, would, beyond all question, make the most enduring beneficial impressions. It would be folly, nay worse than folly, to say that no moral instruction whatever should be given in our public schools, It is done every day, in every school of the land—for nearly every text-book, from the primary reader to the higher works on philosophy, geology, and intellectual science, convey very properly more or less moral instruction, and none think of branding them as sectarian.

But, you may ask, may not a majority of the School Board, if they see fit, utterly refuse to tolerate the Bible, prayer, and moral instruction in the public school? We might obstinately and insanely refuse food for our perishing bodies, as well as for our craving immortal minds, but we should only spite and injure ourselves by so rash and suicidal an act. I have no doubt the Board might legally thrust the Bible from the school-house, and stifle the voice of prayer, for these are not among the studies specially prescribed by law; but they may very properly be regarded as among the "such other branches of education as may be determined upon by the Board," as the law allows, if the Board think proper to include them. The District Board, too, under the advice of the Superintendent of Public Instruction, have power to determine the text-books to be used; and I should ever feel bound to regard with special favor the use of the Bible in public schools, as pre-eminently first in importance

among text-books for teaching the noblest principles of virtue, morality, patriotism, and good order—love and reverence for God—charity and good will to man.

Very respectfully,

LYMAN C. DRAPER,

Sup't of Public Instruction.

*** The following was unintentionally omitted in the list of Text books recommended: —

McGuffey's New Eclectic Speaker.

APPENDIX.

21023997

FORMS FOR THE USE OF OFFICERS.

No. 1.

Form of notice, to be given by the Town Superintendent to the Town Clerk, of the formation of a new school district.

To the Town Clerk of the Town of ——— :

I have this day formed a new school district in the town of ——, to be called "School District No, —— of ———," of which the following is a description :

[Here mention the sections and parts of sections, or other subdivisions of which such district is composed, or describe the boundary.] Such formation will take effect on the —— day of ———, 18—.

Dated this —— day of ———, 18—.

[Signed,] A. B.

Town Superintendent of Schools of the Town of ——.

No. 2.

Form of Notice, to be given by the Town Superintendents to the Town Clerks, of the formation of joint school district.

To the Town Clerk of the Town of ——— :

We have this day formed a new joint school district, composed of a part of the towns of ——— and ———, to be called "Joint School District No. —— of ——— and ———," of which the following is the description :

[Here mention the sections and parts of sections, or other sub-divisions of which the district is composed, or describe boundary.] Such formation will take effect on the —— day of ———, 18—.

Dated this —— day of ———, 18—.

[Signed,] A. B.
Town Superintendent of Schools of the town of ——.
E. F.
Town Superintendent of Schools of the town of ——.

NOTE.—In case the district is composed of parts of more than two towns, of course the form must be changed to correspond, and the notice given to the Clerk of each town in which any part of the district so formed is situated.

No. 3.

Form of Notice of the first meeting of a School District, to be delivered by the Town Superintendent to a taxable inhabitant of the district.

To A. B., taxable inhabitant of School District No. ——, *of* ——:

The Town Superintendent of Schools of the town of ———, having formed, on the —— day of ———, 18—, a new district in said town, called "School District No. —, of ——," of which the following is a description: [*Here describe the District as in Form No.* 1.] You are hereby directed to notify every qualified voter of said district to attend the first meeting thereof, which is hereby appointed to be held at the house of ———, in said district, on the —— day of ——, 18—, at —— o'clock in the ——noon, by reading this notice in the hearing of each such voter; or in case of absence from his place of residence, by leaving thereat a written notice of the time and place of such meeting, at least five days before the time appointed for such meeting.

Dated at ———, this —— day of ———, 18—.

[Signed,] A. B.,
Town Superintendent of Schools of the town of ——.

NOTE.—If it is a joint district, the notice must be signed by the Superintendent of each town in which any part of the district lies.

No. 4.

Form of Notice of first meeting to be left at the residence of a voter when absent.

To A. B.:—

By direction of the Town Superintendent of the town of ———, you are hereby notified that the first meeting of school district No. ——, of ———, recently formed, will be held at the house of ———, in said district, on the —— day of ———, 18—, at —— o'clock in the ——noon. Your attendance is requested.

Dated this —— day of ———, 18—.

[Signed,] G. H.,
Person appointed to give notice.

No. 5.

Form of Return to be indorsed upon notice received from Town Superintendent on the formation of a School District.

I hereby certify that I have notified the following named persons [*Here give the names in full,*] personally, and the following named persons [*Here insert names,*] by copy, according to the direction of the within notice.

Dated this —— day of ———, 18—.

[Signed,] G. H.,
Person appointed to give notice.

No. 6.

Form of Notice of a meeting of a School District, to be delivered by the Town Superintendent, to a taxable inhabitant, in case there is no officer to call a meeting.

To A. B., a taxable inhabitant of school district No. —— of ——:

You are hereby directed to notify every qualified voter of school district No. ——, of ———, to attend a meeting thereof, which is hereby appointed to be held at the house of ———, in said district, on the —— day of ———, 18—, at —— o'clock in the ——noon, by reading this notice in the hearing of each such voter, or, in case

of absence from his place of residence, by leaving thereat a written notice of the time and place of such meeting, at least five days before the appointed time for such meeting. The following is a description of said district: [*Here describe the district as in Form No.* 1.]

Dated this —— day of ———, 18—.

[Signed,] A. B.,
Town Superintendent of Schools, of the town of ——.

No. 7.

Form of acceptance of office by District Officers, to be filed with the District Clerk.

I hereby signify my acceptance of the office of ——— of school district No. ——, in the town of ———, to which I have been elected. [*Or if appointed, say,* "to which I have been appointed to fill a vacancy."]

Dated this —— day of ———, 18—.

[Signed,] G. H.

No. 8.

Form of Notice of Annual District Meeting.

Notice is hereby given to the qualified electors of school district No. ——, of the town of ———, that the annual meeting of said district for the election of officers and the transaction of other business, will be held at ———, on the last Monday, being the —— day of September, at 6 o'clock in the afternoon, [*unless some other hour was determined upon by the district at the last previous annual meeting.*]

Dated this —— day of ———, 18—.

[Signed,] C. D.,
District Clerk.

No. 9.

Form of Notice of Special District Meeting.

Notice is hereby given to the qualified electors of school district No. ——, in the town of ———, that a special meeting of said dis-

trict will be held at ———, on the —— day of ———, 18—, for the following objects: [*Here particularly specify each item of business to be acted upon.*]

Dated this —— day of ———, 18—.

[Signed,] C. D.,
District Clerk.

No. 10.

Form of Notice for an Adjourned District Meeting, when such meeting has been adjourned for a longer period than one month.

Notice is hereby given, that a meeting of the qualified electors of school district No. —— in the town of ———, will be held at ———, in said district, on the —— day of ———, 18—, at —— o'clock in the ——noon, pursuant to adjournment.

Dated this ——day of ———, 18—.

[Signed,] C. D.,
District Clerk.

NOTE.—The foregoing notices must be posted in four prominent places in the district, one of which shall be the outer door of the school house, whenever there is one in the district.

No. 11.

Form of Certificate to be given by the Town Superintendent in cases where a larger sum than $500 is necessary to build a School House.

I hereby certify that it is my opinion that the sum of —— dollars should be raised in school district No. —— of the town of ———, for the purpose of building [*hiring or purchasing*] a school house for said district.

Dated this —— day of ———, 18—.

[Signed,] A. B.,
Town Superintendent of Schools of the town of ——.

NOTE.—In case of a joint district, the certificate should be made and signed by a majority of the Superintendents of the towns in which such district is situated.

No. 12.

Form of Notice to be given by the Clerk of a School District Meeting, to the Officers elect who were not present at the meeting.

To ——— ———:

You are hereby notified that at a meeting of school district No. —— in the town of ———, held on the —— day of ———, 18—, you were duly elected ——— of said district.

Dated this —— day of ———, 18—.

[Signed,] C. D.,
Clerk of said meeting.

NOTE.—This notice is required to be given within five days after the meeting, and only to those persons elected who were not present at the time.

No. 13.

Form of Refusal to accept District Office, to be filed with the Clerk of the District.

To the Clerk of school district No. —— *in the town of* ———:

You are hereby notified of my refusal to accept the office of ———, to which I was elected at the meeting of said district held on the —— day of ———, 18—.

Dated this —— day of ———, 18—.

[Signed,] G. H.

NOTE.—This notice of refusal must be filed within ten days after the election, or the person will be deemed to have accepted the office, and be liable to fine for non-performance of duty.

No. 14.

Form of Order on Treasurer for Moneys to be disbursed by School District.

To A. B., Treasurer of School District No. —— *in the town of* ——:

Please pay to ——— ——— the sum of —— dollars out of any money in your hands, not appropriated, belonging to said district.

Dated this —— day of ———, 18—.

[Signed,] C. D., *District Clerk.*
G. H., *Director.*

No. 15.

Form of Annual Report to be submitted by District Treasurer to Annual Meeting.

I, A. B., Treasurer of school district No. —— in town of ——, submit the following report to the annual meeting of said district, of all moneys received and disbursed by me since the last annual meeting:

Amount received from my predecessor	$10 00
" " " Town Superintendent	75 00
" raised by tax in district, and received	300 00
Total received	$385 00

I have paid out,

On order of District Clerk,		Dec. 3d, 18—,	$20 00	
" do	do	Jan. 10th, 18—,	40 00	
" do	do	Feb. 1st, 18—,	10 00	
" do	do	Feb. 27th, 18—,	55 00	
" do	do	May 10th, 18—,	80 00	
" do	do	June 11th, 18—,	170 00	
				$375 00
Leaving a balance on hand of				$10 00

The taxes assessed upon the taxable property of the district during the year have been—

For building a school house	$250 00
" fuel	10 00
" black board	5 00
" outline maps	15 00
" teacher's wages	20 00
	$300 00

All of which is respectfully submitted.

Dated this —— day of September, 18—.

[Signed,] A. B.,

Treasurer of district No. ——, of the town of ——.

NOTE.—The report should simply state the facts as required by law, and the above form may be of some aid in arranging the items of the report. The final report of the Treasurer should show *all* the moneys which have come into his hands during the term of his office, with the total disbursements, and should be in the same form as his annual reports.

No. 16.

Form of Bond of District Treasurer to be filed with the District Clerk.

Know all men by these presents, that we, E. F., Treasurer of school district number —— of the town of ———, and L. M., his surety, are held and firmly bound unto said school district in the sum of [*here insert a sum of double the amount to come into the Treasurer's hands as near as can be ascertained*] to be paid to the said school district, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this —— day of ———, A. D., 18—.

The condition of the above obligation is such that if the said E. F., Treasurer as aforesaid, shall faithfully discharge the duties of his office as Treasurer of said school district, and shall well and truly pay over to the person or persons entitled thereto, upon the proper order therefor, all sums of money which shall come into his hands as Treasurer of said district, and shall, at the expiration of his term of office pay over to his successor in office all moneys in his hands remaining as Treasurer aforesaid, and shall deliver to his successor all books and papers whatever, appertaining to his said office, then this obligation shall be void, otherwise of full force and virtue.

Signed, sealed and delivered in presence of R. S. G. H. } E. F. [Seal.] L. M. [Seal.]

Form of Approval to be indorsed on the Bond of Treasurer.

We approve of the within bond and surety.

[Signed.] G. H.
Director,
C. D.,
Clerk.

NOTE.—The same form of bond will answer for the Town Superintendent by making the proper changes, which will readily be noticed.

No. 17.

Form of Contract between District and Teacher.

It is hereby agreed between school district number —— of the town of ———, and L. M., a qualified teacher of the town of———, that the said L. M. is to teach the common school of said district for

the term of —— months, (counting 22 days as a month, excepting the usual holidays,) for the sum of —— dollars per ——, [*week or month as the case may be,*] commencing on the —— day of ———, 18—, and for such services, properly rendered, the said district is to pay to the said L. M. the amount that may be due, according to this contract, on or before the —— day of ———, 18—.

Dated this —— day of ———, 18—.

[Signed.] C. D.
District Clerk.
L. M.,
Teacher.

NOTE.—The Director or Treasurer, or both, are to indorse this contract as follows :

I [*or we*] consent to the within contract.

G. H., *Director, or*
E. F., *Treasurer,* [*or both.*]

No. 18.

Form of Annual Report of the Clerk of a School District to Town Superintendent.

Annual Report of the Clerk of School District No. ——, of the town of ———, for the year ending August 31st, 18—.

No. of male children residing in district over the age of four, and under the age of twenty years,	26	
No. of female children residing in district over the age of four, and under the age of twenty years,	24	
Total number of children residing in district over the age of four, and under the age of twenty years		50

NOTE.—If a Joint District, be particular to return only the children in one town to one Town Superintendent, and those in the other to the other Town Superintendent.

No. of children over four and under twenty years of age, who have attended school	45	
No. of children under four years of age who have attended school	3	
No. of children over twenty years of age who have attended school	4	
Total number who have attended school during the year		52

No. of months a school has been taught by Mr. ——, a qualified teacher		4
No. of months a school has been taught by Miss ——, a qualified teacher		3
Total number of months a school has been taught by a qualified teacher		7
Wages per month paid Mr. ——,		$15 50
Wages per month paid Miss ——,		8 50
Average number of months scholars over the age of four and under the age of twenty years, have attended school during the year		6
Amount of *school money* received from the Town Superintendent within the year	$67 50	
Amount of *library money* received from Town Superintendent within the year	7 50	
Total amount received from Town Superintendent,		$75 00
Amount raised by tax for teachers' wages	$20 00	
" " " " fuel	10 00	
" " " " black-board and maps	20 00	
" " " " building school house	250 00	
" " " " library books	00 00	
[*Here state the amount raised for any other purpose allowed by law.*]		
Total amount raised by tax during the year		300 00
Amount received from other sources	$00 00	
Total amount in treasury during the year		375 00
Amount expended for teachers' wages	87 50	
" " " fuel	10 00	
" " " building school house	250 00	
" " " black board and maps	20 00	
" " " library books	7 50	
Total amount of expenditures	$375 00	
Amount remaining unexpended	00 00	
		$375 00
Total amount of district debts at date of report	$8 50	
Amount due to district from unpaid taxes at date of report	$8 50	
Amount of library fines collected		$3 50
Amount of library fines expended in repairing and replacing books	$3 00	
Amount of library fines unexpended	50	
		$3 50

Whole number of volumes in library	150
" " purchased during the year	12
" " presented during the year	6
" " loaned during the year, (*counting each volume one for each time it is loaned,*)	120

The text books used in schools are as follows:

Spelling Books—National, McGuffey's
Reading Books—National, McGuffey's
Geography—Monteith & McNally's, Warren's.
Arithmetic—Davies', Ray's.
Grammar—Greene's Elements of English Grammar, Clark's.
" McElligot's Young Analyzer.

School house, (*state whether it is a log, brick, stone or framed.*)
Value of school house $250 00
Site (*more or less*) than one acre.
Inclosed, or not inclosed.
School has (*one*) black-board.
(*One*) set of out line maps.

I hereby certify that the above is a correct statement of the facts required to be reported; that a common school has been taught in this district, during the past year, for [*seven*] months, by a qualified teacher, and that the library regulations have been complied with.

[Signed] C. D.,
Clerk of school district No. ——,
of the town of ———.

Dated at ———, September 1st, 18—.

No. 19.

Form of School Register to be kept by Teacher.

Register of the common school of school district No. ——, of the town of ———, for the term of —— months, commencing on the —— day of ——, 18—, by —— ——, teacher:

For the month of ——.

NAMES.	Age.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Monday.	Tuesday.	Wednesday	Thursday.	Friday.	Monday.	Tuesday.	Wednesday	Thursday.	Friday.	Saturday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	STUDIES AND REMARKS.

NOTE.—The above form embraces all the blanks required by law to be filled. See Section 33. Teachers, however, may vary the form so as to embrace as much more as they see fit. The Register must at the close of the term be signed by the teacher and deposited with the Clerk of the District. In the above form, a horizontal dash, thus ———, would indicate presence (or absence) a whole day, and a cross, thus X, presence (or absence) half a day. The studies pursued by scholars may be entered by proper abbreviation in the right hand column, thus, Ar. arithmetic; Gr. for Grammar; R. for Reading; Wr. for Writing; Decl. for Declamation; and Comp. for Composition, &c.—Classes can be designated by figures after the abbreviation, thus: Ar. 2. for second class in Arithmetic. If teachers wish to preserve a record of deportment, they can add proper columns.

No. 20.

Form of Statement of the Amount of Taxes voted to be raised in a School District, to be delivered by the District Clerk to the Town Clerk.

To R. S., Town Clerk of the town of ——:

The amount of taxes voted to be raised in school district No. —— of the town of ———, at the last annual meeting of said district, held on the —— day of September, 18—, is [*write the amount in words*] dollars; which amount you are requested to assess upon the taxable property therein.

The following is a list of the names of the persons and corporations liable to a school district tax in said district: [*Here insert the names of the persons and corporations.*]

Dated this —— day of ———, 18—.

[Signed,] C. D.,
Clerk of school district No. —— of the town of ———.

NOTE.—If the district has been lately organized and a tax was voted at the first meeting, as well as at the annual meeting, that should be stated, giving, however, the whole amount of tax voted to be raised.

STATE OF WISCONSIN, }
County of ———, } ss.

C. D., being duly sworn, on oath says, that he is the Clerk of school district No. —— of the town of ———, and that the above statement by him made of the amount of taxes voted to be raised in said school district, and the list of persons and corporations liable to a school district tax therein, are true.

[Signed,] C. D.

Sworn to and subscribed before me this —— day of ——, 18—.

[Signed,] J. P.,
Justice of the Peace.

No. 21.

Form of Statement of the amount of Taxes voted to be raised in a Joint District, to be delivered to the Clerk of each Town in which any part of the District is situated.

To R. S., Town Clerk of the town of ——:

The amount of taxes voted to be raised in joint school district No. ——, of the towns of ——— and ———, at the last annual meeting of said district, held on the —— day of September, 18—, is [*write the amount in words*] dollars; and the proportion of that amount to be raised in that part of said district, which lies in the town of ——,

is [*write the amount in words*] dollars, which you are requested to assess upon the taxable property therein.

The following is a list of the names of the persons and corporations liable to a school district tax in that part of the district lying within the town of ——, [*here insert the names of the persons and corporations.*]

[Signed,] C. D.,
Clerk of joint school district No. ——,
of the towns of —— *and* ——.

NOTE.—Attach affidavit of the District Clerk similar to the one given in Form No. 20.

No. 22.

Form of Deed for the purchase of a School House site.

Know all men by these presents, that A. B. (*and C. B., his wife, if married,*) of the town of ——, in the county of ——, in the State of Wisconsin, party of the first part, for and in consideration of the sum of —— dollars, to them in hand paid by the District Board of "School district No. ——, of the town of ——," county of ——, and State aforesaid, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the said school district, party of the second part, and their assigns, the following described piece or parcel of land, namely:

(*Here insert description of land.*)

Together with all the privileges and appurtenances thereunto belonging, To have and to hold the same to the said party of the second part, and their assigns, for ever; and the said party of the first part, for themselves, their heirs, executors and administrators, do covenant, bargain and agree, to and with the said party of the second part, and their assigns, that at the time of the ensealing and delivery of these presents, they were well seized of the premises above conveyed, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law in fee simple, and that the said lands and premises are free from all incumbrances whatever; and that the above bargained premises, in the quiet and peaceable possession of the said party of the second part, and their assigns, against all and every person or persons lawfully claiming, or to claim, the whole or any part thereof, the said party of the first part will forever warrant and defend.

In witness whereof, the said A. B. and C. B., his wife, party of the first part, have hereunto set their hands and seals, this —— day of ——, A. D. 18—.

A. B. [SEAL.]
C. B. [SEAL.]

Signed, sealed and delivered in presence of { E. F. G. H. }

NOTE.—Such deed should be duly acknowledged before a Notary Public, Justice of the Peace or other officer authorized by law to take such acknowledgment, and recorded in the office of Register of Deeds for the county.

No. 23.

Form of a Lease.

Know all men by these presents, that A. B., of the town of ——, in the county of ——, in the State of Wisconsin, of the first part, for the consideration herein mentioned, does hereby lease unto "School district No. —— of the town of ——," county of ——, in the State aforesaid, party of the second part, and their assigns, the following described parcel of land:

[*Here insert description of land.*]

Together with all the privileges and appurtenances thereunto belonging: To have and to hold the same for and during the term of —— years from the —— day of ——, A. D. 18—; and the said party of the second part for themselves and their assigns, do covenant and agree to pay the said party of the first part for said premises the annual rent of —— dollars.

In testimony whereof, the said parties have hereunto set their hands and seals, this —— day of ——, A. D. 18—.

A. B., *Lessor*, [SEAL.]
C. D., E. F., G. H., } *District Board of School District No. —— of the Town of ——,*

No. 24.

Form of an Appointment to fill a Vacancy in the District Board.

To A. B.— :

The office of [*Clerk*] of School District No. ——, of the town of ——, having become vacant, you are hereby appointed to fill such vacancy until the next annual meeting in said district.

Dated this —— day of ——, 18—.

[Signed,] G. H., *Director*,
E. F., *Treasurer*.

NOTE.—It requires two of the Board to make an appointment. If they neglect, for ten days, to fill the vacancy, it must be done by the Town Superintendent, after the following form. In either case the appointment must be filed with the District Clerk:

To A. B.:

The office of [*Clerk*] of school district No. —— of the town of ——, having become vacant, and the District Board of said district having failed to fill the same within ten days, you are hereby appointed to fill such vacancy until the next annual meeting of said district.

[Signed,] A. B.,
Town Superintendent of Schools of the Town of ——.

No. 25.

Form of Annual Report of Town Superintendent.

To the Clerk of the Board of Supervisors of the county of ——:

Annual Report of the Town Superintendent of schools of the town of ——, in the county of ——, for the year ending on the 31st day of August, A. D. 18— :

No. of school districts separately set off within the town,	6
No. of parts of joint districts in said town,	2
No. of parts of joint districts in which the school house of such districts is situated within this town,	1
No. of districts from which reports have been received between the 1st and 10th of September,	6
No. of parts of districts from which reports have been received between the 1st and 10th of September,	2

No. of months school has been taught in each of said districts and parts of districts, as follows :

In school district No. 1, by a qualified teacher	6
" " 2, " "	5
" " 3, " "	4
" " 4. " "	3
" " 5, " "	5
" " 7, " "	8
In joint school district No. 7, a part of which is in this town,	3
" " 8, " "	3

Amount of public money* received in each of such districts and parts of districts, as follows :

In district No 1,	$40
" 2,	42
" 3,	35
" 4,	30
" 5,	38
" 6,	42
In part of joint district No. 7, in said town,	10
" " 8, "	12

No. of children residing in each district and part of district, on the 31st day of August last, over the age of four, and under the age of twenty years, as follows :

In district No. 1,	40
" " 2,	42
" " 3,	38
" " 4,	35
" " 5,	30
" " 6,	42

*By PUBLIC MONEY is meant the money that is received from the State and town.

In part of district No. 7, in said town 10
In part of district No. 8, in said town 12
No. of *male* children residing in all of said districts and parts of districts, on the 31st day of August last, over the age of four years, and under the age of twenty years, ... 130
No. of *female* children residing in all of said districts and parts of districts, on the 31st day of August last, over the age of four, and under the age of twenty years, ... 119
Whole No. of children residing in town over the age of four, and under the age of twenty years, on the 31st day of August last, ... 249
Total No. of children over four, and under twenty years of age, who have attended school in said town, ... 245
No. of children taught in all of said districts and parts of districts, *under* the age of four years, ... 6
No. of children taught in all of said districts and parts of districts, *over* the age of twenty years, ... 15
Average No. of months children between four and twenty years of age have attended school in said town, ... 5
Average number of months schools have been taught by male teachers, ... 4
Average number of months schools have been taught by female teachers, ... 3
Average amount of wages per month paid to male teachers, ... $16
Average amount of wages per month paid to female teachers, . $ 9
Whole amount of money received and apportioned by me (*and predecessor in office, if any,*) since the date of the last annual report, ... $
Of such amount there has been received from the County Treasurer, (State Fund,) ..... $
Of such amount there has been received from the Town Treasurer, (town tax,) ..... $
The manner in which such money has been expended is as follows:
For teachers' wages, the sum of ..... $
For libraries, the sum of ..... $
For (if for any other purpose specify the same,) ..... $
There remains unexpended (state for what cause) the sum of .. $
The amount raised by tax and expended in said districts, from which reports have been received by me (and predecessor in office) since the date of the last annual report, is as follows:
For teachers' wages, ... $
For purchasing school house site, ... $
For building, hiring, purchasing, repairing, and insuring school houses, (specify the amount for each,) ..... $
For fuel, ... $
For district libraries, ... $
For (*any other purpose allowed by law,*) ..... $

The text books most used in the schools of said districts, are as follows:

Spelling books—
Reading books—
Geography—
Arithmetic—
Grammar—

The school houses in said districts are constructed of material as follows:

Of stone 1; of brick 1; of logs 1; framed 4.

Whole valuation of said school houses,	$
Highest valuation of any school house,	$
Lowest valuation of any school house,	$
No. of school house sites containing less than one acre,	7
" " " " not inclosed,	4
" " without blackboard,	3
" " " outline maps,	5
No. of select and private schools in said town, other than incorporated Academies,	2
Average number of persons attending all such schools during the past year, as near as can be ascertained,	80
No. of district libraries in town,	5
No. of joint libraries,	1
Total number of volumes in all the libraries,	520
No. of volumes purchased during the year,	60
No. of volumes presented during the year,	20
No. of volumes loaned out during the year, (counting each volume one for each time it is loaned,)	$
Amount of library fines collected	$
" " " expended	$
" " " remaining unexpended	$
" " money remaining unexpended	$

[Signed,] A. B.,

Town Superintendent of Schools of the Town of ——.

Dated at —— this 15th day of September, A, D. 18—.

No. 26.

Form of a Certficate to be given to a Teacher.

I do hereby certify, that I have thoroughly examined A. B., and do believe that he (*or she*) is qualified in regard to moral character, learning, and ability to teach a common school. This certificate is to remain in force, unless sooner annulled, for one year from date, and is to be of effect in this town only.

Given under my hand this —— day of ——, A. D. 18—.

[Signed,] A. B.,

Town Superintendent of Schools for the Town of ——.

No. 27.

Form of Note annulling a Teacher's Certificate.

Having inquired into certain complaints against A. B., heretofore licensed by certificate as a teacher of common schools in the town of ——, and being of the opinion that the said A. B. does not possess the requisite qualification as a teacher, in respect to moral character, (or "in respect to learning;" or "in respect to ability in teaching," as the case may be,) and having given at least ten days previous notice in writing, to said teacher, and to the District Board of the district in which said teacher is employed, of my intention so to do, I have annulled, and hereby do annul the said certificate and license, so granted as aforesaid.

Given under my hand, this —— day of ——, 18—.

Signed, C. D..

Town Superintendent of Schools for the town of ——.

No. 28.

Form of Notice to be given to District Clerk when alteration of the boundaries of a District is contemplated.

To C. D., Clerk of school district No. —— of the town of ——:

You will take notice that I shall be present at (*here mention the place*) on the —— day of ——, 18—, at —— o'clock in the afternoon, to hear and decide upon certain proposed alterations of the boundaries of said school district.

Dated this —— day of ——, 18—.

Signed, A. B.,
Town Superintendent of Schools of the town of ——.

NOTE.—In case of a joint district, the Superintendent of the town in which the school house is situated will give the notice required to the Clerk of that district; and each Superintendent will give notice to the Clerk of any district in his town to be affected by the proposed alteration. The Clerk will immediately notify the other members of the Board, by giving them a copy of the notice served on him.

No. 29.

Form of Notice of alteration of the boundaries of a School District, when the District Board refuse to give their consent.

To C. D., Clerk of School District No. —— of the town of ——:

I have made an alteration in the boundaries of school district No. ——, of the town of ——, as is shown by the following order by me made on the —— day of ——, 18—· [*Here copy the order making the alteration,*] which will take effect three months from the filing of this notice.

Signed, A. B.,
Town Superintendent of Schools of the town of ——.

NOTE.—If the District Board indorse their consent upon the order making the alteration, no further notice need be given than to file the order, so indorsed, with the District Clerk.

No. 30.

Form of Order of Town Superintendent in awarding proportion of value of Property to new District.

To the District Board of school district No. — of the town of ——:

Having formed a new school district, No. ——, of the town of ———, in part (*or wholly*) from the territory of your district, I have ascertained and determined the proportion of value of the school house and other property justly due to such new district from your district, retaining such school house and other property to be —— dollars. You are, therefore, to raise and collect by tax upon the taxable property of your district the said sum of —— dollars, and when collected pay the same to the Treasurer of said new district.

Given under my hand, this —— day of ——, A. D. 18—.

A. B.

Town Superintendent of Schools of the Town of ——.

No. 31.

Form of order altering the boundaries of a School District.

It is hereby ordered and determined that the, (north half of the north-east quarter of section No. ten, of town seven north, of range six west,) now a part of school district No. ——, of the town of ———, be, and hereby is taken from said school district, and attached to and made a part of school district No. ——, of said town, for all purposes whatsoever.

This order will take effect on the —— day of ———, 18—.

Given under my hand this —— day of ———, 18—.

A. B.,

Town Superintendent of Schools of the Town of ——.

NOTE.—The Board of each district affected by the alteration, should endorse their consent on the order, as follows :

We hereby consent to the alteration made in school district No. ——, of the town of ———, agreeably to the within order of the Town Superintendent of said town.

Dated this —— day of ———, 18—.

G. H., Director,
E. F., Treasurer,
C. D., Clerk,
} *Of said school district No. —, of the town of ———.*

No. 32.

Form of Bond of Town Superintendent,

Know all men by these presents, that we, A. B., Town Superintendent of schools of the town of ———, in the county of ———, and C. D. and E. F., his sureties, are held and firmly bound unto the Chairman of Supervisors of said town, in the sum of [*here insert double the amount of all school money to come into his hands during the term of his office,*) to the payment of which sum well and truly to be made to the said Chairman of Supervisors, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this —— day of ———, A. D., 18—.

The condition of this obligation is such, that if the said A. B., Town Superintendent of said town of ———, shall faithfully apply and legally disburse all school money that may come into his hands, according to law, as Town Superintendent of said town of ———, during the term of his office, and shall faithfully discharge all the duties of his office, then this obligation shall be void, otherwise shall remain in full force and virtue.

A. B., [L. S.]
C. D., [L. S.]
E. F., [L. S.]

Signed, sealed and delivered in presence of ————.

NOTE.—This bond should be endorsed as follows:

I Approve of the within bond and sureties.
[Signed,] G. H.
Chairman of Supervisors of the Town of ———.

No. 33.

Annual Report of the Clerk of the Board of Supervisors of ——— County to the State Superintendent, dated October 10th, 18—.

NAMES OF TOWNS.	No. of school districts.	No. of school districts which have not reported.	No. of parts of districts.	No. of parts of districts which have not reported.	No. of school houses in joint districts.	Average No. of months schools have been taught.	No. of male children residing in town over four and under twenty years of age.	No. of female children residing in town over four and under twenty years of age.	Total No. of children residing in town over four and under twenty years of age.	No. of children over four and under twenty years of age who have attended school.	No. of children under four years of age who have attended school.	No. of children over twenty years of age who have attended school.	Average No. of months children between four and twenty years of age have attended school.	Average No. of months schools have been taught by a male teacher.	Average No. of months schools have been taught by a female teacher.	Average amount of wages per month paid to male teachers.	Average amount of wages per month paid to female teachers.
A																	
B																	
C																	
D																	
E																	
F																	
G																	
H																	
.....																	

Report continued. County of _____,

NAMES OF TOWNS.	
A	Amount of money received from County Treasurer.
B	Amount of money received from Town Treasurer.
C	Amount received from other sources.
D	Total amount of money received.
E	Amount of public money paid for teachers' wages.
F	Amount of public money expended for libraries.
G	Amount of public money expended for other purposes.
H	Amount remaining unexpended.
I	Amount raised by tax and expended for teachers' wages.
J	Amount of money raised by tax and expended for district libraries.
	Amount of money raised by tax and expended on school houses.
	Amount of money raised by tax and expended for fuel and other purposes.
	Names of authors of spelling books most used in schools.
	Names of authors of reading books most used in schools.
	Names of authors of geographies most used in schools.
	Names of authors of arithmetics most used in schools.
	Names of authors of grammars most used in schools.

Report continued. County of _____

NAMES OF TOWNS.	
A.....	No. of brick school houses.
B.....	No. of stone school houses.
C.....	No. of framed school houses.
D.....	No. of log school houses.
E.....	Total valuation of school houses.
F.....	Highest valuation of any school house.
G.....	Lowest valuation of any school house.
H.....	No. of school house sites containing less than one acre.
I.....	No. of school house sites unenclosed.
J.....	No. of schools without a black-board.
	No. of schools without outline maps.
	No. of district libraries.
	No. of joint libraries.
	No. of volumes in all the libraries.
	No. of volumes loaned during the year.
	Amount of library fines collected.
	Amount of library fines expended.
	Amount of library fines unexpended.
	No. of select and private schools other than incorporated academies.
	Average No. of pupils attending such schools during the year.
	No. of incorporated academies in the county.
	Average No. of pupils attending such academies during the year.

No. 34.

Form of Certificate of District Clerk, attached to assessment roll of taxes assessed at a special meeting.

I do certify that I have set down in the above assessment roll all the real estate situate in District No. —— of the town of ———, county of ———, and State of Wisconsin, liable to be taxed, according to my best information, and that with the exception of those cases in which the valuation has been otherwise fixed pursuant to law, I have estimated the same at what I believe to be the true cash value thereof; that the said assessment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, as nearly as I could ascertain the same.

Given under my hand this —— day of ———, 18—.

A. B.,
Clerk of District No. ——, Town of ———

No. 35.

Form of Warrant annexed to assessment roll by District Clerk, for the collection of taxes levied at a special district meeting.

The State of Wisconsin to the Treasurer of District No. ——, of the town of ———, county of ——— :

You are hereby commanded to collect from each of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation, upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and the moneys so collected you are to retain as Treasurer of the aforesaid district, subject to the order of the District Board; and you are further required to make return to said District Board of this warrant with said roll annexed, within forty days from the date hereof, together with your doings thereon, as provided by law.

Given under my hand this —— day of ———, in the year 18—.

A. B.,
Clerk of aforesaid District.

NOTE.—The Clerk can renew this warrant for thirty days by endorsing it "Renewed for 30 days." Dated ——— ——, 18—.

A. B., *District Clerk.*

No. 36.

Form of Bond given to the District Board to secure the payment of money borrowed on the authority of sections 100 *and* 101, *of title VII, chapter* 23, *Revised Statutes of* 1858.

BOND,

Know all men by these presents, that we, the District Board of District No. —— of the town of ———, are held and firmly bound unto ——— in the penal sum of —— dollars, good and lawful money of the United States of America, to be paid to the said ———, certain attorney, heirs, executors, administrators or assigns, for which payment well and truly to be made we bind ourselves and our successors in office, jointly and severally, firmly by these presents. Sealed with our seals, and dated this —— day of ———, A. D. 18—.

The condition of the above obligation is such, that if the above bounden obligors, or their successors in office, shall well and truly pay, or cause to be paid, unto the above named obligee —— heirs, executors, administrators or assigns, the just and full sum of ——— and in case default shall be made in any of the payments, either of principal or interest, or of any part thereof, at the time or times above limited for the payment thereof, shall pay the whole sum of principal, with the interest which shall then have accrued, upon the demand of the said obligee —— heirs, executors, administrators or assigns, notwithstanding the time for the payment of principal shall not then have elapsed, (it being hereby expressly declared to be a condition of the above obligation that upon any default whatever in the payment of any of the instalments of principal or interest, at the time or times above limited for the payment thereof, the whole principal sum, and the interest which shall then have accrued, shall at once become and be deemed due and payable, at the option of the above named obligee, —— heirs, executors, administrators or assigns) and shall also pay all costs and expenses which the said obligee —— heirs, executors, administrators or assigns shall pay, be put to or sustain for attorney's, solicitor's or counsel fees, or otherwise, in addition to any costs or fees which now are, or hereafter may be allowed by law for the collecting the said sum of money, or any part thereof, or of the interest thereon, or any part thereof [or for foreclosing a certain mortgage bearing even date herewith, and given to secure the payment of the said sum of money above specified, with the interest thereon, without fraud or delay,] then this obligation to be void and of no effect, otherwise to be and remain in full force and virtue.

Sealed and delivered in presence of }
——— ———
——— ——— }

A. B., *Director*, [SEAL.]
(Signed,) C. D., *Treasurer*, [SEAL.]
E. F., *Clerk*, [SEAL.]

District Board of District No. ——, *of the town of* ——.

NOTE.—If no mortgage accompanies the bond, omit the words "or for foreclosing," &c., which are enclosed in brackets.

No. 37.

Form of Mortgage given by the District Board to secure the payment of money borrowed in accordance with sections 100 *and* 101 *of title VII, chapter* 23, *Revised Statutes*, 1858.

MORTGAGE.

This indenture made the —— day of ———, in the year of our Lord one thousand eight hundred and ———, between the District Board of District No. —— of the town of ———, of the first part, and ——— of the second part witnesseth that the said parties of the first part, for and in consideration of —— dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted and conveyed, and by these presents do grant and convey unto the said party of the second part, —— heirs and assigns forever, the following described piece or parcel of land, situate in the county of ——, and State of ———, described as follows, to wit: [*Here insert description,*] to have and to hold the same, together with all and singular the appurtenances and privileges thereunto belonging, and all the estate, right, title, interest and claim whatsoever, of the said party of the first part, either in law or equity, in and to the above described premises, to the only proper use, benefit and behoof of the said party of the second part, —— heirs, and assigns forever.

And the said parties of the first part, for themselves and their successors in office, do covenant and agree to and with the said party of the second part, —— heirs and assigns, that they are well seized in fee of the aforesaid premises, have good right to sell and convey the same, that the same are free of all incumbrances whatsoever, and that the aforesaid premises, in the quiet and peaceable possession of the said party of the second part, —— heirs and assigns, against all and every person lawfully claiming or to claim the whole or any part thereof, will forever warrant and defend. Provided always, and these presents are upon the express condition, that if the said parties of the first part, or their successors in office, shall well and truly pay, or cause to be paid, to the said party of the second part, —— heirs, executors, administrators or assigns, the sum of ——— dollars, according to the condition of —— certain ———, bearing date on the —— day of ———, in the year of our Lord one thousand eight hundred and ———, executed by the District Board of District No. ———, town of ———, to ———, as collateral security, then these presents and the said —— shall cease and be null and void.

And the said District Board of District No. ——, Town of ——, do further agree that they will pay all taxes and assessments of every nature that may be assessed on said premises previous to the day appointed in pursuance of any law of this State for the sale of lands for Town, County, or State Taxes; and also the sum of ——— dol-

lars, as solicitor's feees, in case of the commencement of an action to foreclose this mortgage.

In testimony whereof, the said parties of the first part have hereunto set their hands and seals, the day and year first above written.

Sealed and delivered in presence of }
——————— }
——————— }

———————, Director, [SEAL.]
———————, Treasurer, [SEAL.]
———————, Clerk. [SEAL.]

District Board of District No. ——, of the town of ——.

STATE OF WISCONSIN, }
COUNTY OF ———. }

Be it remembered, that on the —— day of ——, A. D. 18—, before the undersigned, a ——— in and for said county, personally came the above named District Board of said District No. ——, Town of ———, to me known, and acknowledged that they had executed this mortgage deed for the uses and purposes therein mentioned.

———————

———

No. 38.

Form of Notice of determination to form a Union District for High School purposes, to be served upon the Town Superintendent by the District Clerks :

To A. B., Town Superintendent of the town of ——— :

The following minutes contain the action of District No. ——, of the Town of ———, in reference to the formation of a Union High School District. as provided in section 12 of chapter 138, of General Laws of 1858 : [*Here insert the minutes in full, giving the names of those who voted for and against the proposition.*]

Dated this —— day of ———, 18—.

[Signed,] C. D.,
Clerk of district No. ——, of the town of ——.

NOTE.—The above notice must be served by the Clerk of each District proposing to unite in the Union High School District.

No. 39.

Form of Notice to be given by the Town Superintendent to the Town Clerk, of the formation of a Union High School District :

To the Town Clerk of the town of —— :

I have this day formed a Union High School District, in accordance with the expressed desire of the districts and parts of districts composing the same, which determination has been properly certified to me as required in seection 12 of chapter 138, of General Laws of 1858, to be called Union High School District No. ——, of ———, of which the following is a description :

[*Here follow form No.* 1.]

Such formation to take effect immediately.

Dated this —— day of ———, 18—.

[Signed,] A. B.

Town Superintendent of Schools, of the town of ——.

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COURSE OF STUDY IN NORMAL INSTITUTES.

[The following Regulations made and adopted by the Board of Normal Regents are here inserted, for the use of High School Boards who may wish to avail themselves of the provision made for Normal Institutes.]

The Board of Normal School Regents, in adopting the following course of study, deems it a duty it owes to the institutions claiming the funds under its control, to state distinctly its view of the requirements of the law by which the duties of this Board are defined.

The act setting aside this fund gives power to the Regents to appropriate only to those institutions "which shall establish and maintain a Normal Institute in connection therewith, for the education of teachers," leaving it with the Regents to make and carry out such needful rules and regulations as they shall deem necessary. The original Board declared that "a Normal School or Normal Department, as contemplated in this act, is in the estimation of this Board one in which students are educated with especial reference to fitting them for teaching in our Public Schools." The present Board have reiterated this as their decided conviction that this is the only just and true interpretation of the intent of the law.

Nor does this Board understand that the pursuit of any one or more of these studies, or even the full course, without especial reference to a preparation for teaching in our public schools, is sufficient to entitle the college or academy to become a recipient in the distribution of the fund. The course must be pursued in connection with lectures and constant reference to the theory and practice of teaching. It is not so much with reference to giving instruction in the facts of the science that the Board have adopted a course of study, as to provide means and methods of illustrating lectures by actual studies in which the theory shall be reduced to practice.

It is not sufficient then that these studies are pursued as such, to bring the pupil within the definition of studying for the profession

of teaching, and the Board cannot regard those who, in a regular academic or collegiate course may be pursuing the same studies, because the Principal or Faculty have prescribed it as their course as coming within the meaning and intent of Normal Students. There the facts, principles and theories are taught, to fit the student for practice in life.

In the Normal department they must be pursued in connection with lectures embracing the following subjects: Education, its nature and design; physical education; intellectual education; moral education; æsthetical education; the history of education; and examination of the powers of the mind, especially with reference to receiving and communicating knowledge; school house architecture, including school furniture, grounds, &c.; organization and classification of schools; graded schools; modes of teaching different subjects: the proper incentives for schools; rewards and punishments; the office of teacher; his duties to himself, his school, and the public; duty to the State, in reference to educating its citizens; the educational policy of Wisconsin.

It is intended in this course of lectures, to present, as nearly as may be, the whole duty of the teacher, and to point out such modes of school discipline and management as shall assist the young teacher in preparing for his great work. The members of this department are also required to write on various topics connected with education, and to discuss in form of debate, such subjects as may be assigned by the Principal of the Institution.

The Board further propose to examine pupils on the studies of the course, and to award in their official capacity a certificate to all who shall have passed a creditable examination in the full course a first class certificate, and a second class for the first year studies.

Previous to pursuing the course, the student shall pass an examination by the Principal on the following studies;

Reading, Spelling, Written Arithmetic, Elementary Algebra, Physiology, History of the United States, English Grammar, through the ordinary treatise used in the common schools in this State, Descriptive Geography, Composition, Elementary Sounds.

FIRST YEAR.

Theory and Practice of Teaching, connected with, and illustrated by the studies in High School Arithmetic, Physical Geography, Political Geography, Algebra, Geometry, Modern History, Analysis of Language, Natural Philosophy, Natural Theology, Book-Keeping, Elementary of Sounds, Vocal Music.

SECOND YEAR.

Theory and Practice of Teaching, connected with and illustrated by the studies in History of English Language and Literature.

Principles of General Grammar, Drawing, Trigonometry, Chemistry, Mineralogy, Geology, Astronomy, Intellectual Philosophy,

Moral Philosophy, Constitutions of United States and Wisconsin, Political Economy, Calisthenics, Mensuration and Surveying, Vocal Music, and review of whole course.

The Board have further provided that the age at which students in the Normal Department, may entitle any institution to the benefit of the fund on their behalf, shall not be less than *sixteen years*,—with an actual attendance upon the instructions of the department of not less than *sixty-five* days during the year.

It is hoped on the part of the Board, that they have made their suggestions and regulations so distinct as that,—with a careful study of the law under which these regulations are made—there may be no difficulty, on the part of those Institutions desiring a participation in the income fund of the Board, in understanding and complying with them, where there is an honest desire to do so. If, however, there should be any important question upon which any institution may desire further information, a line addressed to the Secretary or either member of the Board will be cheerfully answered.

Such Institutions as are described in section nine of the act of incorporation, which have fully complied with the provisions of said act, and the regulations of the Board in establishing and maintaining a separate Normal Department in which is taught the prescribed course of study, will be entitled to draw from the Income Fund in proportion to the number of properly qualified students who have received instruction therein for the requisite number of days.

The report of the same must be made to the Secretary of the Board, by the 5th day of March of each year, embracing the attendance to the 1st day of January preceding,—containing distinctly the names, ages and residence of each student returned; with the studies pursued, for at least sixty-five days in the separate Normal Department,—which report must be signed and sworn to by the President or Principal, and the Secretary of the Board of Trustees of the Institution.

SCHOOL CODE OF WISCONSIN.

PUBLIC PROPERTY:

TO BE DELIVERED BY EACH OFFICER TO HIS SUCCESSOR.

.....

1859.

LIBRARY OF CONGRESS,
RECEIVED
AUG 9 1901
DIVISION OF DOCUMENTS.

LAWS

OF THE

STATE OF WISCONSIN,

RELATING TO

COMMON SCHOOLS,

WITH

Regulations for appeals, libraries, &c., instructions for school officers, forms for conducting all necessary proceedings under said laws, and a Commentary upon the entire law, containing full directions for district officers,

PREPARED BY THE

SUPERINTENDENT OF PUBLIC INSTRUCTION.

"PUBLIC PROPERTY:"

TO BE DELIVERED BY EACH OFFICER TO HIS SUCCESSOR.

MADISON:

JAMES ROSS, STATE PRINTER—PATRIOT OFFICE.

1859.

TO DISTRICT OFFICERS.

The following compilation contains all of the School Code of this State. As several amendments have been made, officers are to be guided by the law as herein published, although it may differ from chapter 23, Revised Statutes. In this edition, the Notes have been arranged in the form of a Commentary upon the text of the law, and numbered by sections corresponding to the sections of the law, so that the notes to any section will be numbered the same as the section itself. It is believed that all the forms necessary are included in the Appendix. School Officers are particularly requested to furnish this Department with information in regard to any lack in this respect which may come to their notice.

The Normal School Law, together with the Regulations adopted by the Board o Normal Regents, is herewith published, for the benefit of Union Schools who may wish to establish Normal Departments.

This pamphlet is, in all cases, to be considered Public Property, and is to be delivered by each District or Town Officer, receiving the same, to his successor in office.

S. H. CARPENTER,
Assistant State Superintendent.

LAWS RELATING TO COMMON SCHOOLS.

CONSTITUTION—ARTICLE 10.

EDUCATION.

SECTION 1. The supervision of public instruction shall be vested in a State Superintendent, and such other officers as the legislature shall direct. The State Superintendent shall be chosen by the qualified electors of the State, in such manner as the legislature shall provide; his powers, duties and compensation shall be prescribed by law; *Provided*, that his compensation shall not exceed the sum of twelve hundred dollars annually.

State Superintendent of public instruction, how elected, and his compensation.

SEC. 2. The proceeds of all lands that have been or hereafter may be granted by the United States to this State for educational purposes, (except the lands heretofore granted for the purposes of a University,) and all moneys, and the clear proceeds of all property, that may accrue to the State by forfeiture or escheat, and all moneys which may be paid as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys arising from any grant to the State where the purposes of such grant are not specified, and the five hundred thousand acres of land to which the State is entitled by the provisions of an act of Congress, entitled "An Act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the fourth day of September, one thousand eight hundred and forty-one, and also the five *per centum* of the nett proceeds of the public lands to which the State shall become entitled on her admission into the Union, (if Congress shall consent to such appropriation of the two grants last mentioned) shall be set apart as a separate fund, to be called the School Fund, the interest of which, and all other revenues derived from the school lands, shall be exclusively applied to the following objects, to wit:

What to constitute the school fund.

To be set apart.

1. To the support and maintenance of Common Schools, in each school district, and the purchase of suitable libraries and apparatus therefor.

How interest applied.

2. The residue shall be appropriated to the support and maintenance of Academies and Normal Schools, and suitable libraries and apparatus therefor.

District schools to be established by law, to be free and not sectarian.

SEC. 3. The legislature shall provide by law for the establishment of District Schools, which shall be as nearly uniform as practicable, and such schools shall be free and without charge for tuition to all children between the ages of four and twenty years; and no sectarian instruction shall be allowed therein.

Annual tax to be raised for support of schools. Amount thereof.

SEC. 4. Each town and city shall be required to raise, by tax, annually, for the support of Common Schools therein, a sum not less than one half the amount received by such town or city respectively for school purposes, from the income of the School Fund.

Income of school fund, how and when distributed.

SEC. 5. Provision shall be made by law for the distribution of the income of the School Fund among the several towns and cities of the State, for the support of Common Schools therein, in some just proportion to the number of children and youth resident therein, between the ages of four and twenty years, and no appropriation shall be made from the School Fund to any city or town, for the year in which said city or town shall fail to raise such tax, nor to any school district for the year in which a school shall not be maintained at least three months.

State university.

SEC. 6. Provision shall be made by law for the establishment of a State University, at or near the seat of government, and for connecting with the same from time to time such colleges in different parts of the State, as the interests of education may require. The proceeds of all lands that have been or may hereafter be granted by the United States to the State for the support of a University, shall be and remain a perpetual fund, to be called the "University Fund," the interest of which shall be appropriated to the support of the State University; and no sectarian instruction shall be allowed in such University.

School land commissioners.

SEC. 7. The Secretary of State, Treasurer and Attorney General, shall constitute a Board of Commissioners for the sale of the School and University Lands, and for the investment of the funds arising therefrom. Any two of said commissioners shall be a quorum for the transaction of all business pertaining to the duties of their office.

SEC. 8. Provision shall be made by law for the sale of all School and University Lands, after they shall have been appraised, and where any portion of such lands shall be sold, and the purchase money shall not be paid at the time of sale, the Commissioners shall take security by mortgage upon the land sold for the sum remaining unpaid, with seven per cent. interest thereon, payable annually at the office of the Treasurer. The Commissioners shall be authorized to execute a good and sufficient conveyance to all purchasers of such lands, and to discharge any mortgages taken as security when the sum due thereon shall have been paid. The Commissioners shall have power to withhold from sale any portion of such lands when they shall deem it expedient, and shall invest all moneys arising from the sale of such lands, as well as all other University and School Funds, in such manner as the legislature shall provide, and shall give such security for the faithful performance of their duties as may be required by law.

Lands how sold.

Powers of commissioners.

CHAPTER 10.—REVISED STATUTES.

SEC. 59. There shall be elected at the next general election, and biennially thereafter, a State Superintendent, whose term of office shall commence on the first day of January next succeeding his election, and continue for the term of two years, and until his successor is elected and qualified.

State superintendent when elected and his term of office.

SEC. 60. The State Superintendent shall, before he enters upon the duties of his office, take and subscribe an oath to support the constitution of the United States, and of the State of Wisconsin, and faithfully to discharge the duties of his office to the best of his ability, which oath shall be filed in the office of the Secretary of State.

Oath of office.

SEC. 61. The said Superintendent shall receive for his services the sum of twelve hundred * dollars per annum, payable quarterly in advance, with his actual postage, and the necessary stationery for his office, payable quarter yearly out of the State Treasury.

His salary.

SEC. 62. He shall have a general supervision over the Common Schools in this State, and it shall be his duty, as far as practicable, to visit every county in this State, for the purpose of inspecting the schools, awakening

His duties.

* Ch. 203, laws 1859.

an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communication with school officers, teachers and parents, a knowledge of existing defects, and of desirable improvements in the government and the instruction of the schools.

His duties.

SEC. 63. It shall be his duty to recommend the introduction of the most approved text books, and as far as practicable to secure a uniformity in the use of text books in the Common Schools throughout the State; to discourage the use of sectarian books and sectarian instruction in the schools; to advise in the selection of books for school district libraries; and to open such correspondence abroad as may enable him to obtain, so far as practicable, information relative to the system of Common Schools, and its improvements in other States and Countries, which he shall embody in his Annual Report to the Legislature.

Ibid.

SEC. 64. He shall prescribe rules and regulations for the management of school district libraries, and the penalties which shall be imposed by District Boards for any violation of such rules and regulations; he shall prepare for the use of Common School officers, suitable forms for making reports, and conducting all necessary proceedings, and he shall cause the laws relating to Common Schools, with the rules, regulations and forms aforesaid, and such instructions as he shall deem necessary, to be printed together, with a suitable index, in pamphlet form, by the person authorized to do the State printing, at the expense of the State; and he shall cause the same to be distributed among the several school districts and other officers having the care of Common Schools throughout the State.

To examine and determine appeals.

SEC. 65. He shall examine and determine all appeals duly made to him from the decision of any school district meeting, or from the decision of any Town Superintendent in forming or altering, or in refusing to form or alter any school district, or concerning any other matter under the Common School law of this State, and his decision thereon shall be final.

Books, charts, &c.

SEC. 66. It shall be the duty of the State Superintendent to collect in his office such school books, apparatus, maps and charts as can be obtained without expense to the State, and also to purchase, at an expense not exceeding fifty dollars a year, rare and valuable works on education, for the benefit of teachers, authors, and others who may wish to consult them; and the said sum

is hereby annually appropriated for this purpose out of any moneys in the treasury not otherwise appropriated.

SEC. 67. He shall prepare in each year a report, to be submitted to the Legislature on or before the tenth day of December in each year, containing— To report.

1. An abstract of all the Common School reports received by him from the several Clerks of the County Boards of Supervisors; What to contain.

2. A statement of the condition of the Common Schools in this State;

3. Estimates and accounts of expenditures of the school moneys;

4. Plans for the improvement and management of the Common School Fund, and for the better organization of the Common Schools. And—

5. All such matters relating to his office, and the Common Schools of the State, as he shall deem expedient to communicate.

SEC. 68. It shall be the duty of the State Superintendent, between the tenth and fifteenth days of March in each year, to apportion and distribute the income of the State Fund for the support of Common Schools, which shall have been received up to the tenth of March in each year, among the several counties of this State, and the share of each county among its respective towns and cities; such apportionment shall be made among the several towns and cities according to the number of children in each, over the age of four, and under the age of twenty years, according to the returns thereof as made to his office for the preceding year. Apportionment of school fund income.

SEC. 69. He shall certify such apportionment to the Treasurer of the State, and shall give immediate notice thereof to the Clerk of each County Board of Supervisors, stating the amount apportioned to his county, and to each town and city therein, and the time when the same will be payable to the Treasurer of such county. To certify apportionment to treasurer and give notice of same to county clerks.

SEC. 70. The State Superintendent shall have an office at Madison, where shall be deposited all papers and documents appertaining to the business of his office; and to which place communications on the subject of Common Schools may be addressed to him. Where to keep his office.

SEC. 71. Copies of all papers deposited or filed in the office of the State Superintendent of Common Schools, and all acts and decisions of such Superintendent may Copies of his papers certified to be evidence.

be certified by him; and when so certified, shall be evidence equally and in like manner as the originals.

Assistant state superintendent.

SEC. 72. The State Superintendent shall have power to appoint under his hand and seal an Assistant Superintendent of Public Instruction, who shall take the constitutional oath of office, which shall be filed in the office of the Governor; and such Assistant shall perform such duties as his principal shall prescribe, not inconsistent with law, and shall receive an annual salary of one thousand dollars,* to be paid quarter yearly as the salaries of State officers are paid, and such Assistant shall be styled the Assistant State Superintendent, and the State Superintendent shall be responsible for all of the acts of such Assistant.

Traveling expenses.

SEC. 73. There is hereby appropriated annually to the Superintendent of Public Instruction, out of any money in the Treasury not otherwise appropriated, the sum of six hundred dollars, to defray traveling expenses, in making official visits as required by law; said appropriation to be drawn in such sums and at such times as the State Superintendent may elect.

To report.

SEC. 74. The State Superintendent shall submit in his Annual Report a statement of his travels in making official visits during the past year.

Clerk hire.

SEC. 75. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of eight hundred dollars annually, to the Superintendent of Public Instruction, for the purpose of defraying the expenses of clerk hire in the office of said Superintendent of Public Instruction; said sum to be drawn quarterly by said Superintendent, and to be disbursed by him for the purpose herein named; *Provided*, that said sum of eight hundred dollars shall be in full for the annual payment of all clerk hire of said Department.

CHAPTER 138.—GENERAL LAWS, 1858.

Annual report of superintendent.

SEC. 9. Section two, of chapter ninety-nine, of the General Laws of 1857, is hereby so amended as to except the State Superintendent of Public Instruction from being required to make his annual report to the Governor within ten days after the close of the fiscal year; and said State Superintendent shall make his report, and

* Ch. 203, Laws 1859.

deliver it on or before the (10th) tenth day of December in each year to the Governor, who, within three days thereafter, shall deliver the same to the contractor or person authorized to do the public printing of the State; and when printed, one thousand copies thereof shall be delivered by the Superintendent of Public Property to the Superintendent of Public Instruction, for the use of his Department.

CHAPTER 13.—REVISED STATUTES.

OF THE BOARD OF COUNTY SUPERVISORS.

Special powers of county board.

SEC. 28. In addition to the ordinary powers and duties of the several County Boards of Supervisors enumerated in the preceding section, the following special powers are conferred upon them, subject to such modifications and restrictions as the legislature shall from time to time prescribe, to wit:

4. To authorize the levying and collecting of taxes for specific purposes in any town or school district, not exceeding one thousand dollars, when such town or school district is not authorized by law to levy and collect the same, or so large an amount; and to authorize the issuing and renewal of any warrant for the collection of town, school or road district taxes, as they shall deem just and expedient, when the same is not otherwise authorized by law; *Provided*, a majority of the electors of such town or school district shall, at some duly organized meeting, vote that such a tax be raised.

OF CLERK OF THE BOARD OF SUPERVISORS.

County clerk to file notice of apportionment, and send copy to county treasurer.

SEC. 60. Whenever the clerk of the Board of Supervisors of any county shall receive from the State Superintendent notice of the apportionment of school moneys to be distributed in the county, he shall file the same in his office, and transmit a certified copy thereof to the County Treasurer; and such clerk shall also lay a certified copy thereof before the Board of County Supervisors, at their next annual meeting.

To inform state superintendent of action of county board concerning school matters.

SEC. 61. It shall be the duty of the clerk of the Board of Supervisors, in each county, on the last Monday in December in each year, to transmit to the State Superintendent, certified copies of all resolutions and proceedings of the Board of Supervisors of which he is clerk, passed or had during the preceding year, relating to the

raising of any money for school purposes, and to report the amount to be raised in each town in such county.

CHAPTER 15.—REVISED STATUTES.

POWERS AND DUTIES OF TOWNS.

Powers of electors at town meetings.

SEC. 2. The qualified electors of each town shall have power at any legal meeting thereof to vote to raise such sum of money for the support of Common Schools, in addition to the amount required by law to be raised, as they may deem necessary. * * * *

OF TOWN BOARD.

Board to audit town superintendent's accounts.

SEC. 81. The said Board shall also, at their annual meeting in each year, examine and audit the accounts of the Town Treasurer, and the Town Superintendent of schools, for all moneys received and disbursed by them as such officers. * * * * * *

Pay of town superintendent.

SEC. 93. Supervisors, Assessors, Clerks of the Polls, and Superintendents of Schools, shall be entitled to a compensation for each day actually and necessarily devoted by them to the service of the town, and in the discharge of any of the duties of their respective offices required of them by law, of one dollar and fifty cents for each day, and at the same rates for parts of a day.

CHAPTER 28.—REVISED STATUTES.

Duties of town superintendent in regard to school lands.

SEC. 122. The Town Superintendent of Schools in each town, shall be authorized to sell the fallen timber and the grass growing upon any unsold School or University lands in his town, if such lands are not leased by the Commissioners, and shall pay the proceeds thereof into the County Treasury, for the benefit of the School or University Fund, and shall immediately report the amount so paid, to the State Treasurer.

CHAPTER 165.—REVISED STATUTES.

Duty of town superintendent in case of trespass on school lands.

SEC. 55. It is hereby made the special duty of the Superintendent of Schools in each town, who may have knowledge of, or who may receive information of, any offence mentioned in the two next preceding sections of

this chapter [cutting timber or removing minerals from School or University Lands,] to forthwith inform the District Attorney of the county in which he shall reside, of the trespass committed, of the name of the trespasser or trespassers, and of the name of the witness or witnessesin the case.

CHAPTER 18.—REVISED STATUTES.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

Amount to be raised for schools by tax in towns.

SEC. 53. The Board of County Supervisors, at their annual meeting in each year, shall estimate and determine the amount of moneys to be raised in each town and ward in their county, for the support of Common Schools therein for such year, which tax shall be levied and collected in each year, and shall not be less than one-half the amount of school moneys apportioned to such town and ward by the State Superintendent in his last apportionment of school moneys, nor shall the amount so raised for school purposes exceed three mills on the dollar in any one year, upon the valuations of taxable property in such county; every such determination for the raising of school moneys by the said Board shall be recorded by their clerk, and the sum so determined to be raised shall be assessed and collected for the use of Common Schools in each town and ward in such county, in addition to any sum any such town or ward may have voted to raise for the support of Common Schools therein.

Limited.

Determination to be recorded.

How amount of school tax ascertained when town has drawn no school moneys preceding year.

SEC. 54. Whenever there shall have been no distribution of school moneys to any town or ward in any year, the County Board of Supervisors shall, at their annual meeting in that year, direct to be raised on the valuation of the taxable property in such town or ward, the same per centage or proportionable amount of taxes for the support of Common Schools therein, as shall be required to be raised for that purpose in other towns in such county.

CHAPTER 96.—LAWS OF 1859.

AN ACT to amend chapter 18, of the Revised Statutes, entitled "of the Assessment and collection of Taxes."

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any organized town in this State

Failure to raise tax.

shall have failed to levy, collect or pay over to the County Treasurer of the county in which such town is situated, any State, County or school tax, apportioned to and charged against such town in any year, and now is, or shall hereafter be delinquent for the same or any part thereof, it shall be lawful, and it is hereby made the duty of the Board of Supervisors of the county in which such town shall be situated in any succeeding year thereafter, to charge over any, and all such delinquent taxes, and a penalty of twenty-five per cent. to the town thus delinquent, and add the same to the amount of the annual or current tax apportioned to such town.

How remedied.

Duty of clerk of county board.

SEC. 2. It shall be the duty of the clerk of the Board of Supervisors to certify such gross amount of tax to the clerk of such delinquent town in the same manner and at the same time as he is now required by law to certify the annual apportionment of taxes as provided in section 56 of the chapter to which this act is amendatory.

Duty of town clerk.

SEC. 3. It shall be the duty of the town clerk of such town to calculate and carry out such gross amount of delinquent and current tax, in the manner and at the time now provided by law for carrying out taxes, as provided in section 59, of the chapter to which this act is amendatory.

Penalty for neglect.

SEC. 4. Any town clerk who shall hereafter neglect or refuse to calculate and carry out upon the assessment roll, any tax or taxes apportioned to any town and certified to him by the clerk of the Board of Supervisors of the county in which such town is situated, and attach a warrant thereto, and deliver the same to the Treasurer of his town as provided by law, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not less than five hundred dollars, nor more than one thousand.

Take effect.

SEC. 5. This act shall take effect and be in force from and after its passage.

CHAPTER 24.—REVISED STATUTES.

OF THE DISTRIBUTION OF THE INCOME OF THE SCHOOL FUND.

When and to what counties school fund to be distributed

Who shall apply for school money.

SEC. 1. The income of the State Fund for the support of Common Schools, which shall be received up to the tenth day of March in each year, shall be distributed annually, between the tenth and fifteenth days of March in each year, or as soon thereafter as practicable, among

the several counties in this State, from which reports have been received by the State Superintendent, agreeably to law.

SEC. 2. The Treasurer of each county shall apply for and receive of the State Treasurer the school moneys apportioned to his county, as soon as the same shall become payable.

SEC. 3. Each County Treasurer receiving such moneys shall immediately give notice in writing to the Treasurer of each city, and to the Town Superintendent of each town in his county, of the amount apportioned to such town or city, and shall hold the same, subject to the order of such City Treasurer or Town Superintendent.

County treasurer to give notice of amount apportioned to each town and city.

SEC. 4. In case the Treasurer of any such city, or the Town Superintendent of any such town, shall not apply for and receive such moneys before the next receipt of school moneys apportioned to the county, the moneys so remaining with the County Treasurer shall be added to the moneys next received by him from the State Superintendent, and distributed therewith, and in the same proportion, among the several towns and cities entitled thereto, in such county.

Money not drawn to be added to the amount next to be apportioned.

SEC. 5. Whenever it shall not appear from the certified statement of the clerk of the Board of Supervisors in any county, made to the State Superintendent, that the amount required by law to be raised for school purposes has been directed to be raised during the year by the Board of Supervisors of such county, the Superintendent shall not apportion any of the State School Funds to such county, and in such case the moneys so withheld shall be added to the principal of the Common School Fund.

When counties not entitled to apportionment.

OF COMMON SCHOOLS.

CHAPTER 23.—REVISED STATUTES.

SCHOOL DISTRICTS.

Notice of formation and time and place of first meeting of school district

SECTION 1. Whenever a school district shall be formed in any town, it shall be the duty of the Town Superintendent, within twenty days thereafter, to prepare a notice in writing of the formation of such district, describing its boundaries, and appointing a time and place for the first district meeting, and to deliver such notice to a taxable inhabitant of the district.*

Notice how served and returned.

SEC. 2. The Town Superintendent shall, in such notice, direct such inhabitant to notify every qualified voter of the district, either personally or by leaving a written notice at his place of residence, of the time and place of such meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the voters of such district, agreeably to the requirements of said notice, and indorse thereon a return containing the names of the persons by him notified; and said notice and return shall be recorded as a part of the record of the first meeting in such district.†

Notice to be given in case of neglect to attend first meeting.

SEC. 3. In case such notice shall not be given, or the inhabitants of a district shall refuse or neglect to assemble or form a district meeting, when so notified, or in case any school district having been formed and organized, shall afterwards be dissolved, so that no competent authority shall exist therein to call a special district meeting in the manner hereinafter provided, notice shall be given by the Town Superintendent, and served in the manner prescribed in the preceding section.‡

Duty of electors.

SEC. 4. Whenever a district meeting shall be called in the manner prescribed in the preceding sections of this chapter, it shall be the duty of the electors of the district to assemble at the time and place mentioned in such notice.

Who entitled to vote.

SEC. 5. Every person shall be entitled to vote in any

* See Forms Nos. 1, 2, and 3. † Nos. 4 and 5. ‡ No. 6.

school district meeting of this State, who is qualified to vote at a general election for State and county officers, and who shall have resided for the last ten days in the district where he or they may offer to vote.

Challenge and proceedings thereon.

SEC. 6. If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter in such district, the Chairman presiding at such meeting shall declare to the person challenged, the qualifications of a voter; and if such challenge shall not be withdrawn, the Chairman shall tender him the following oath or affirmation: "You do solemnly swear (or affirm, as the case may be) that you have been an actual resident of this school district for the last ten days, and that you are qualified according to law to vote at this meeting." And every person taking such oath or affirmation shall be permitted to vote on all questions proposed at such meeting, but if any person shall refuse to take such oath or affirmation, his vote shall be rejected.

When district deemed organized.

SEC. 7. Every school district shall be deemed duly organized when any two of the officers elected at the first legal meeting thereof, shall have consented to serve for the offices to which they have been respectively elected, by a written acceptance thereof filed with and recorded by the clerk; and every school district shall be considered as legally organized after it shall have exercised the franchises and privileges of a district for the term of two years.*

Districts to be bodies corporate.

SEC. 8. Every school district organized in pursuance of this chapter, or which has been organized under any previous law of the State or Territory of Wisconsin, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "School district number (such number as shall be designated by the Town Superintendent in the formation thereof) of ——" (the name of the town or towns in which the district is situate,) and in that name shall sue and be sued, and be capable of contracting and being contracted with, and of holding such real and personal estate as is authorized to be purchased by the provisions of this chapter, and of selling the same.

DISTRICT MEETINGS.

Annual meeting.

SEC. 9. The annual meeting of each school district shall be held on the last Monday of September in each

* See Form No. 7.

year; the hour of such meeting shall be six o'clock in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last previous annual meeting.

Not illegal for want of notice

SEC. 10. No annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was willful and fraudulent.*

Powers of annual district meeting.

SEC. 11. The inhabitants qualified by law to vote at a school district meeting, when assembled at the first and each annual meeting in their district, shall have power—

1st. To appoint a Chairman for the time being.

2d. To adjourn from time to time as occasion may require.

3d. To choose a Director, Treasurer and Clerk.

4th. To designate a site for a district school house.

5th. To vote such tax on the taxable property of the district, as the meeting shall deem sufficient to purchase or lease a suitable site for a school house, and to build, hire or purchase such school house, and to keep in repair and furnish the same with the necessary fuel and appendages.

6th. To vote a tax on the taxable property of the district of such sum as the meeting shall deem proper for the pay of teachers' wages in the district.

7th. To authorize and direct the sale of any school house, site, or other property belonging to the district, when the same shall no longer be needful for the use of the district.

8th. To impose such tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred.

9th. To vote a tax, not exceeding twenty dollars in any one year, for the purchase of globes, black boards, outline maps, or any apparatus for illustrating the principles of agriculture, chemistry, or the mechanic arts.

10th. To give such direction and make such provision as may be deemed necessary in relation to the prosecution or defence of any action or proceeding in which the district may be a party or interested.

11th. To alter, repeal and modify their proceedings as occasion may require.

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* See Form No. 8.

Special meetings.

SEC. 12. Special district meetings may be called by the Clerk, or, in his absence, by the Director or Treasurer, on the written request of any five legal voters of the district, by notifying all the legal voters in such district; and the inhabitants qualified by law to vote, when lawfully assembled at a special meeting, shall have power to transact the same business as at the first and each annual meeting.*

How called, to elect officers.

SEC. 13. Whenever the time for holding an annual meeting in any district for the election of district officers shall pass without such election being held, the Clerk, or, in case of his absence, either the Director or Treasurer last elected, within twenty days after the time of holding such meeting shall have passed, may notify a special meeting for such election in the manner prescribed in the twelfth and twenty-ninth sections of this chapter; but if such meeting shall not be notified within twenty days as aforesaid, the Town Superintendent may order any taxable inhabitant of such district to notify such meeting in the manner provided in this chapter for the formation of a new district; and the officers chosen at such special meeting shall hold their offices until the time for holding the next annual meeting.*

Tax for school house, limited

SEC. 14. No tax to be voted by a district meeting for building, hiring or purchasing a school house, shall exceed the sum of five hundred dollars, unless the Town Superintendent of the town in which the school house is to be situated, shall certify in writing his opinion that a larger sum ought to be raised, and shall specify the sum, in which case a sum not exceeding the sum so specified may be raised; and in districts composed of parts of several towns, the certificate of a major part of the Superintendents of said towns shall be necessary for such purpose.†

Powers of voters at annual meeting.

SEC. 15. The qualified voters, at each annual meeting, may determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than three months, and whether such school shall be taught by a male or female teacher, or both, and whether the school moneys to which the district is entitled from the Common School Fund and from the town, shall be applied to the support of the summer or winter term of the school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the District Board shall have

*See Forms No. 6 and 9. Also see section 29. † No. 11.

power and it shall be their duty to determine the same.

DISTRICT OFFICERS AND THEIR DUTIES.

SEC. 16. The officers of each school district shall be a Director, Treasurer and Clerk, who shall hold their respective offices three years, and until their successors shall have been chosen or appointed, but not beyond ten days after the expiration of their term of office, without being again elected or appointed: *Provided*, that at the first annual election of district officers after the passage of this act,* and at the first election of such officers in any newly organized district, the Clerk shall be chosen for one year, the Treasurer for two years, and the Director for three years; and thereafter each officer shall be chosen for three years. Any person present at a school district meeting at which he shall be elected one of the District Board, shall be deemed to be notified thereof, and any person so elected, and not present, shall be notified thereof by the Clerk of such meeting within five days thereafter; and unless each person so elected and notified shall, within ten days after his election, file with the Clerk his refusal in writing to accept the office, he shall be deemed to have accepted the same; and any person appointed to fill a vacancy shall file with the Clerk his acceptance in writing before entering upon the duties of the office to which he has been appointed.†

District officers, term of service.

How notified of their election.

DIRECTOR.

SEC. 17. It shall be the duty of the Director of each district to sign, together with the Clerk, all orders drawn by the Clerk upon the Treasurer of the district for moneys received by him to be disbursed therein.†

Director, his duties.

SEC. 18. The Director shall appear for and on behalf of the district, in all actions brought by or against the district, when no other direction shall be given by the qualified voters of such district at a district meeting.

TREASURER.

SEC. 19. It shall be the duty of the Treasurer of each district to apply for and receive from the Town Superintendent, all school moneys apportioned to his district, and pay over, on the order of the Clerk and Director of such district, all moneys so received by him.

Duties of treasurer.

SEC. 20. The Treasurer shall present to the district

His annual report.

*1858. † See Forms Nos. 7, 12, 13, 14 and 24.

at each annual meeting a report in writing, containing a statement of all moneys received by him during the preceding year, and of the disbursements made by him, with the items of such disbursements, and exhibit the vouchers therefor; also a statement of all taxes assessed upon the taxable property of the district during the year, the purposes for which such taxes were assessed, and the amount assessed for each particular purpose, which report shall be recorded by the Clerk; and if it shall appear that any balance of moneys is in the hands of such Treasurer at the time of making his final report, he shall immediately pay over such balance to his successor in office.*

To give bond.

SEC. 21. The Treasurer shall, within ten days after his election, execute to the district a bond in double the amount of money, as near as can be ascertained, to come into his hands as Treasurer, with sufficient sureties, to be approved by the Director and Clerk, conditioned for the faithful discharge of the duties of his office; and if he shall fail so to do, his office shall be vacant.†

Bond to be filed.

SEC. 22. Such bond shall be filed with the Clerk, and in case of any breach of the condition thereof, the Director shall cause an action to be commenced thereon in the name of the district; and the money, when collected, shall be applied by such Director to the use of the district, as the same should have been applied by the Treasurer.

Board may appoint.

SEC. 23. If the Treasurer shall fail to give a bond as is required in this chapter, or shall decline to accept his office, the said Board shall appoint a Treasurer, who shall possess all the powers of the District Treasurer, and shall, before entering upon the duties of his office, give a bond to the district in double the amount of moneys to come into his hands, as near as can be ascertained, in the same manner and with the same effect as the District Treasurer is required to give.

Bond, when prosecuted.

SEC. 24. If such Treasurer shall refuse or neglect to pay over any balance remaining in his hands, it shall be the duty of his successor in office to prosecute without delay his official bond for the recovery of such balance.

CLERK.

Duties of clerk

SEC. 25. It shall be the duty of the Clerk of each district to record the proceedings of his district in a book

* Form No. 15. † Form No. 16.

to be provided by the district for that purpose; to enter therein copies of all reports made by him to the Town Superintendent, and to keep and preserve all records, books, and papers belonging to his office, and deliver the same to his successor in office.

In case of absence.

SEC. 26. He shall be Clerk of the District [Board], and of all district meetings when present, but if he shall not be present at any district meeting, the qualified voters present may appoint a Clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the Clerk of the District.

To employ teachers.

SEC. 27. The Clerk shall contract with and hire qualified teachers for and in the name of the district; which contract shall be in writing, and shall have the consent of either the Director or Treasurer, or both, endorsed thereon, and shall specify the wages per week or month, as agreed upon by the parties, and such contract so completed shall be filed in his office.*

Duty of district board.

SEC. 28. The District Board shall provide the necessary appendages for the school house, and keep the same in good condition and repair during the time a school shall be taught therein; and they shall keep an accurate account of all expenses incurred by them, and present such account for allowance to the qualified voters at a regular district meeting; and the amount of such account as allowed by such meeting may be assessed and collected in the same manner as other district taxes, but no such account shall be allowed at a special district meeting, unless the intention to present the same shall be specified in the notice for such meeting.

Meetings, clerk to give notice.

SEC. 29. It shall be the duty of the clerk to give at least six days previous notice of every annual and special district meeting, by posting up notices therefor in four or more public places in the district, one of which notices shall be affixed to the outer door of the school house, if there be one in the district; and he shall give the like notices for every adjourned district meeting, when such meeting shall have been adjourned for a longer period than one month; every notice for a special district meeting shall specify the objects for which such meeting is called, and no business shall be acted upon at any special meeting which was not specified in such notice†.

Special meetings.

Clerk to report.

SEC. 30. It shall be the duty of the clerk, between the first and tenth days of September in each year, to make and transmit a report in writing, signed by him, to the Town Superintendent, dated on the first day of Septem-

* See Form No. 17. †See Forms Nos. 8, 9 10.

ber, in the year in which it shall be transmitted, showing:*

Contents of report.

1st. The number of children, male and female, designated separately, residing in the district on the last day of August previous to the date of such report, over the age of four, and under the age of twenty years;

2nd. The number attending school during the year under the age of four, and the number over the age of twenty years;

3rd. The whole number that have attended school during the year;

4th. The length of time a school has been taught during the year by a qualified teacher, the name of each teacher, the length of time taught by each, and the wages paid to each;

5th. The average length of time scholars over the age of four, and under the age of twenty years, have attended school during the year;

6th. The amount of moneys received from the Town Superintendent within the year, and the manner in which the same has been applied;

7th. The amount raised by the district in such year, and the purposes for which it was raised;

8th. The kind of books used in the school;

9th. Such other facts and statistics in regard to the school and the subject of education as the State Superintendent may direct.

Blanks.

SEC. 31. The State Superintendent is hereby authorized and required, on or before the 1st day of June in each year, to furnish to each School District Clerk in the State, a blank form, upon which such officer shall make his annual report to the Town Superintendent of his own town.

School money how disbursed

SEC. 32. It shall be the duty of the clerk to draw orders on the Treasurer of the district for money in the hands of such Treasurer, which has been apportioned to, or raised by, the district, to be applied to the payment of teachers' wages, and apply said moneys to the payment of such teachers as shall have been employed by him in the name of the district, and also to draw orders on said Treasurer for moneys in his hands, to be disbursed for any other purpose for which the same shall have been voted by the district, agreeably to the provisions of this chapter; *Provided*, said orders shall be signed by the Director.†

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*See Form No. 18. † See Form No. 14.

SEC. 33. The clerk of each school district shall furnish, at the expense of the district, a school register, in the form prescribed by the State Superintendent, in which every teacher in the district shall be required to enter the names, ages, and studies of all the scholars attending school, and daily their attendance and absence; which register shall be deposited with the clerk at the end of each term; and any teacher who shall willfully neglect or refuse to comply with the requirements of this section, shall forfeit his or her wages for teaching in such district.*

School register, what to contain.

Duty of teachers.

Penalty for neglect.

OF THE ASSESSMENT AND COLLECTION OF SCHOOL DISTRICT TAXES.

SEC. 34. The clerk of each school district shall, on or before the fourth Monday of November in each year, deliver to the town clerk in which the district is situated, a statement in writing, verified by his affidavit, showing the amount of the tax or taxes voted to be raised at the last preceding annual meeting, or at the first meeting after the organization of the district, or both, as the case may require, together with a list of all persons and corporations liable to a school district tax therein. In case of a joint district he shall deliver to the town clerk of each town in which any part of the district is situated, a statement so verified, showing the proportion of the tax to be assessed in that part of the district within such town, together with a list of all persons and corporations liable to a school district tax in that part of the district. Such proportion shall be ascertained from the valuations contained in the last assessment rolls of the respective towns; and to enable the district clerk to ascertain the same, the town clerk of each such town, shall, on demand, at any time after he has received the equalized assessment roll of his town, deliver to the clerk of any such joint district, a certified statement of the valuation of real and personal property in that part of such district lying within his town, as the same appears from said assessment roll.†

District clerk to furnish verified statement.

In case of joint district.

Valuation of property.

SEC. 35. The town clerk shall assess such tax, or the due proportion thereof, upon the real and personal property liable thereto, placing the same in a separate column in the next assessment roll of his town, delivered to the Town Treasurer for collection, whenever such certificate of the district clerk shall be received by him in time therefor, although after the fourth Monday of November.

Taxes, assessment and collection of

*See Form No. 19. †See Forms Nos. 20 and 21.

And if for any reason such tax shall not be assessed in the next assessment roll after the tax is voted, it shall be assessed in that of the next succeeding year. The tax shall, in all respects, be collected or returned delinquent like other taxes, and when collected, the money shall be paid over to the District Treasurer. And whenever any part and not the whole of the taxes for all purposes assessed in the assessment roll to any person or corporation, or upon any real estate, shall be collected by the Town Treasurer, he shall pay over the due proportion of the amount collected by him to the District Treasurer.

To whom paid

Duty of town treasurer.

Ibid.

SEC. 36. It shall be the duty of the Town Treasurers of the several towns to pay over to the Treasurers of the several school districts in their respective towns, on demand, the amount of all school district taxes returned to the County Treasurer of their respective counties as delinquent, whenever the same shall have been collected and paid over by said County Treasurers to such Town Treasurers; or if any such Town Treasurer shall receive credit from the County Treasurer, for such delinquent tax, or any part thereof, on account of any demand or claim due from such town to said county, then said Town Treasurers shall pay over the amount of such delinquent tax, or the part for which credit has been so received, to the Treasurer of the proper school district, on demand thereafter.

Delinquent taxes.

[Section 2, of An Act approved May 17th, 1858, and published June 1st, 1858, reads as follows :

Part of chap. 19, R. S. revived.

[SEC. 2. So much of chapter nineteen of the Revised Statutes as relates to the assessment and collection of school district taxes, is hereby revived for the purpose of assessing and collecting any tax that may be voted at any special meeting, in accordance with the provisions of section one of this act.—*See Sec.* 12, *page* 20.

[And the following are the sections of the Revised Statutes of 1849 thus revived, and applicable to the collection of school district taxes that may be voted at any special meeting :—

Taxes, how assessed.

[SEC. 66. All taxes raised and collected in any school district, for any of the purposes authorized by the provisions of this chapter, except when otherwise provided, shall be assessed on the same kind of property as taxes for town and county purposes are assessed.

Tax list.

[SEC. 67. The clerk of each school district, in making out any tax list, shall enter therein the names of all per-

sons liable to pay a school district tax in such district, the amount of personal property to be taxed to each such person, and a description of all the taxable real estate in such district, and he shall set opposite to each description of taxable property the valuation of the same and the amount of tax charged upon such property, and to each person respectively; such description and valuation of taxable property shall be ascertained so far as possible from the last assessment roll of the town.

Assessment how made.

[SEC. 68. Whenever any real estate in any school district shall not have been separately valued in the assessment roll of the town, and the valuation of such real estate cannot be definitely ascertained from such assessment roll, the District Board of such district shall estimate the value of the same, in proportion to the valuation affixed in said assessment roll to the whole tract of which such lot or piece of land forms a part.

How altered.

[SEC. 69. Whenever a school district embraces a part of more than one town, the Town Superintendents of the towns so in part embraced, upon application of any three persons liable to pay taxes in such district, shall proceed to inquire and determine whether the valuations of taxable property in the assessment rolls of such towns are just, as compared with each other, in respect to such district, and if considered not to be so, they shall determine the relative proportion of taxes to be assessed upon the real estate of the parts of such district so lying in different towns; and any tax thereafter to be raised in such district, shall be apportioned and assessed according to such determination, until the same shall be altered upon a like application and determination as before mentioned; and in cases where the Superintendents cannot agree as to such valuation, they shall summon a Superintendent from an adjoining town, who shall unite in such inquiry and determination.

Warrant what to contain.

[SEC. 70. The warrant annexed to any tax list shall be under the hand of the clerk of the district, and shall command the Treasurer of such district to collect from each of the taxable persons and corporations named in such tax list, and of the owners of the real estate described therein, the several sums set opposite to the persons and corporations so named, and to the several tracts of land so described, within forty days from the date thereof, and within ten days from the date of such warrant, to personally demand such tax of the persons charged therewith in such lists, if they be found within his town; and that if any such tax shall not be paid within said

Duty of treasurer.

ten days, to collect the same by distress and sale of personal property, in the same manner as Town Treasurers are authorized to collect town and county taxes; and the said Treasurer shall execute said warrant and return the same to the clerk at the expiration of the time limited therein for the collection of such tax list.*

Unpaid taxes.

[SEC. 71. If any tax on real estate, in any tax list delivered to the Treasurer of any district, shall remain unpaid at the time he is required by law to return his warrant to the clerk of the district, such Treasurer shall make out and deliver to the town clerk of his town, a statement in writing, containing a description of the lots and pieces of land upon which such taxes remain so unpaid, together with the amount of tax assessed to each; and he shall make and subscribe an affidavit to such statement before some Justice of the Peace, or other person authorized to administer oaths, that the taxes mentioned in such statement remain unpaid, and that after diligent efforts he has been unable to collect the same; and whenever any school district shall embrace parts of more than one town, such Treasurer shall make his return, as aforesaid, to the town clerks of the towns in which such parts of such district shall be situated.

To be certified to.

[SEC. 72. The town clerk, upon delivery to him of such statement, shall give a certificate to the Treasurer of the amount of taxes so remaining unpaid, as the same shall appear from the statement of such Treasurer; which certificate shall be deposited by the Treasurer with the district clerk, and shall be filed by such clerk.

Unpaid taxes, how collected

[SEC. 73. Such town clerk shall, on making out the duplicate assessment roll of the town next thereafter, enter such unpaid taxes in a separate column therein, opposite to the description of the land upon which the taxes so remain unpaid, and such taxes shall be collected in the same manner as town and county taxes are collected; and when so collected shall be paid over to the Town Superintendent of such town, who shall pay the same to the Treasurer of the district in which such taxes were originally assessed.

In case of joint districts.

[SEC. 74. The warrant issued by the clerk of any school district for the collection of any district tax authorized to be raised and collected by any of the provisions of this chapter, may be executed in any other district or town in the same county, or in any other

* See Forms 34 and 35.

county in which any part of such district is situate, when the district is composed of parts of two or more adjoining counties, and such warrant shall have the like force and effect as a warrant issued by a town clerk for the collection of town and county taxes; and the Treasurer of the district to whom any such warrant may be delivered for the collection of a tax list, shall possess the like powers in the execution of the same as are conferred by law upon the Treasurers of towns in the collection of town and county taxes.

Errors in tax list, how corrected.

[SEC. 75. Whenever any error shall be discovered in any district tax list, and made to appear to the District Board, they may order any moneys which may have been improperly collected on such tax list, to be refunded, and may authorize and empower the clerk to amend and correct such error in said tax list.

Warrant, how renewed.

[SEC. 76. Whenever the clerk of any district shall deem it necessary, he may renew the warrant annexed to any tax list, in his district, for thirty days, but he shall have power to renew such warrant but once without the consent of the Superintendent of the town in which the school house of such district shall be located, which consent shall be endorsed on such warrant.

Rights of tenant.

[SEC. 77. When any district tax shall be lawfully assessed and paid by any person on account of any real property whereof he is only a tenant at will or for any period not exceeding three years, such tenant may charge and collect of the owner of such real estate the amount of the tax so paid by him, unless some agreement to the contrary shall have been made by such tenant.]

DISTRICT BOARD.

District board how constituted.

SEC. 37. The Director, Treasurer and Clerk, shall constitute the District Board.

Powers and duties.

SEC. 38. They shall purchase or lease such a site for a school house as shall have been designated by the district, in the corporate name thereof, and shall build, hire, or purchase such school house out of the funds provided for that purpose, and make sale of any school house, site or other property belonging to the district, and if necessary, execute a conveyance of the same in their name of office, when lawfully directed by the qualified voters of such district at any annual or special meeting.*

Ibid.

SEC. 39. The said Board shall have the care and keeping of the school house and other property belonging to

* See Forms Nos. 22 and 23.

the district, except so far as the same shall be especially confided to the care of the clerk, including all books purchased by the district for the use of any children.

In case of vacancy.

SEC. 40. The said Board shall have power to fill, by appointment, any vacancy that shall occur in their own number, within ten days after such vacancy shall occur; and if such vacancy shall not be filled within ten days, as aforesaid, by said Board, it shall be the duty of the Town Superintendent to fill such vacancy by appointment.*

To purchase books.

SEC. 41. The District Board may purchase, at the expense of the district, when families or guardians may not be able to furnish the same, such school books as in their judgment may be necessary for the use of any children attending school in their district, and they may include the amount of such purchase in any tax to be collected in such district.

WHAT SHALL BE TAUGHT IN SCHOOLS.

Board to select books.

SEC. 42. The Board in each school district shall have power, under the advice of the Superintentent of Public Instruction, to determine what school and text books shall be used in the several branches taught in the school of such district.

What to be taught in district schools.

SEC. 43. In every district school there shall be taught, in the English language, orthography, reading, writing, English grammar, geography and arithmetic, during the time such school shall be kept, and such other branches of education as may be determined upon by the Board.

TOWN SUPERINTENDENT AND HIS POWERS AND DUTIES.

Town Superintendent to give bonds.

SEC. 44. It shall be the duty of the Town Superintendent of Common Schools, within ten days after he shall have been notified of his election or appointment, to execute to the Chairman of Supervisors of his town, and file with the town clerk, a bond with one or more sufficient sureties, to be approved by the said Chairman of Supervisors, by indorsement over his signature on said bond, with a penalty, as near as can be ascertained, of double the amount of all the school moneys to come into his hands during the term of his office, and conditioned for the faithful application and legal disbursement of all such school moneys according to law, and for the faithful discharge of all the duties of his office; and in case such bond shall not be executed, approved and filed

* See Form No. 24.

within the time prescribed in this section, the office of such Town Superintendent shall be deemed vacant.*

SEC. 45. It shall be the duty of the Town Superintendent in each town— His duties.

1st. To divide the town into a convenient number of school districts, and to regulate and alter such districts as hereinafter provided.

2d. To describe and number the school districts, and to deliver the description thereof and numbers in writing, to the town and district clerks, immediately after the formation or alteration thereof.

3d. To apply for and receive from the County Treasurer, all moneys apportioned for the use of Common Schools in his town, and from the Treasurer of the town, all the moneys raised therein for the same purpose.

4th. To apportion the school moneys received from the Town and County Treasurers, on the third Monday in March in each year, or as soon thereafter as he shall receive the same, to the several districts and parts of districts within the town, in proportion to the number of children residing in each, over the age of four and under the age of twenty years, as the same shall have appeared from the last annual reports of their respective clerks, excepting such moneys as towns may raise for school purposes by a special tax, in addition to the tax imposed by the County Boards in pursuance of section 53, chapter 18, Revised Statutes, and all such moneys raised in addition to the amount required by law shall be apportioned among the several districts and parts of districts in each town, according to the assessed valuation of each district, as it shall appear from the last equalized assessment roll of the town; *Provided always*, that a majority of the legal voters at any annual town meeting voting such tax, shall not by vote decide to the contrary.

5th. To see that the annual reports of the clerks of the several school districts in his town, are made correctly and in due time.

6th. To sue for and collect in his name of office, all penalties and forfeitures imposed in this chapter, which shall be incurred by any officer or inhabitant of his town, and in respect to which no other provision is made.

SEC. 46. It shall be the duty of the Town Superintendent, between the fifteenth and twenty-fifth days of To report.

* See Form No. 32.

September in each year, to make and transmit to the clerk of the Board of Supervisors of the county, a report in writing, bearing date on the fifteenth day of September, in the year of its transmission, stating—*

1st. The whole number of school districts separately set off within the town;

2d. The districts and parts of districts from which reports shall have been made to him or his immediate predecessor in office, within the time limited for that purpose;

3d. The length of time a school shall have been taught in each of such districts or parts of districts, distinguishing what portion of that time the school has been taught by qualified teachers;

4th. The amount of public moneys received in each of such districts and parts of districts;

5th. The number of children taught in each, and the number of children over the age of four and under the age of twenty years, residing in each;

6th. The whole amount of moneys received by him from his predecessor in office, since the date of the last preceding report, distinguishing the amount received from the County Treasurer, from the amount received from the Town Treasurer, and from other sources, if any;

7th. The manner in which such moneys have been expended, and whether any and what part remains unexpended, and for what cause.

8th. The amount of money raised in the districts and paid for teachers' wages, in addition to the public money paid therefor: the amount of taxes raised for purchasing school house sites, for building, hiring, purchasing, repairing and insuring school houses; for fuel, for district libraries, or for any other purpose allowed by law, in the districts or parts of districts from which reports have been received by him, or his predecessor, since the date of the last preceding report, with such other information as the State Superintendent may from time to time require.

School monies conditions of apportionment.

SEC. 47. No moneys shall be apportioned to any district or part of a district, unless it shall appear, by the report thereof, that a school has been taught therein, for at least three months during the year ending at the date of such report, by a qualified teacher, and that all school moneys received during that year from the

* See Form No. 25.

School Fund have been applied to the payment of the wages of such teacher; and no portion of the library money shall be apportioned to any district or part of a district, unless it shall appear from the last annual report thereof, that the library money received at the last preceding apportionment was duly expended according to law, before the first day of July subsequent to such apportionment, and that such district has complied with the regulations established by the State Superintendent in relation to district libraries.*

To keep account of monies received and expended

SEC. 48. The Town Superintendent, in each town, shall keep a just and true account of all school moneys received and expended by him during each year for which he shall have been chosen, and shall lay the same before the Board of Auditors of Town Accounts, at the annual meeting of such Board in each year.

To render account to his successor.

SEC. 49. The Town Superintendent of Schools in each town, shall, within ten days after the termination of his office, render to his successor in office a just and true account, in writing, of all school moneys received by him during the preceding year, and of the manner in which the same shall have been appropriated and expended by him; and the account so rendered shall be delivered by such successor in office to the Town Clerk, to be filed and recorded in his office.

To pay balance to successor.

SEC. 50. On rendering such account, if any balance shall be found remaining in the hands of such Town Superintendent, the same shall be immediately paid by him to his successor in office.

Successor to bring suit.

SEC. 51. Such successor in office shall bring an action upon the official bond of any previous Town Superintendent, for the recovery, with interest, of any unpaid balance of school moneys that shall appear to have been in his hands on leaving his office, either by the accounts rendered by such Town Superintendent, or by other sufficient proof.

Corporate powers.

SEC. 52. The Town Superintendent in each town shall have the powers and privileges of a corporation, so far as to enable him to take and hold any property transferred to him for the use of Common Schools in such town.

Repealed.

SEC. 53. [Repealed, 1859.]

Apportionment, in case of division.

SEC. 54. If, after the time when the annual reports of the school districts are required to be dated, and before the apportionment of school moneys shall be made, a

* See the New Library Law, published after this chapter.

district shall be duly altered, or a new district shall be formed in the town, so as to render an apportionment, founded on such annual reports, unjust as between two or more districts of the town, the Town Superintendent shall make an apportionment to such districts, according to the number of children in each over the age of four, and under the age of twenty years, ascertaining that number by the best evidence in his power.

When monies to be added to next apportionment.

SEC. 55. All moneys apportioned by the Town Superintendent, to any district or part of a district, which shall have remained in the hands of said Town Superintendent for one year after such apportionment, by reason of such district or part of district neglecting or refusing to receive the same, shall be added to the moneys next thereafter to be apportioned by such Town Superintendent to the several districts and parts of districts in such town, and apportioned therewith.

INSPECTION AND SUPERVISION BY TOWN SUPERINTENDENT.

Examination of teachers.

SEC. 56. It shall be the duty of the Town Superintendent to examine annually all persons offering themselves as candidates for teachers of Common Schools in his town, in regard to moral character, learning, and ability to teach school; and he shall deliver to each person examined and found qualified, a certificate, signed by him, in such form as shall be prescribed by the State Superintendent; which certificate shall be in force for one year from the date thereof, unless annulled within that time, and no person shall be deemed a qualified teacher within the meaning of this chapter who has not such a certificate in force. A certificate granted by any Town Superintendent, as provided in this section, shall not be deemed a legal qualification of a teacher, within the meaning of this chapter, in joint school districts, except in cases where the school house is situated in the town for which the Superintendent granting the certificate was chosen.* Any person feeling aggrieved by the refusal of any Town Superintendent to grant him or her a certificate according to the provisions of this section, may appeal to the State Superintendent, who is hereby authorized to re-examine said applicant; and if, upon such re-examination, the State Superintendent shall be satisfied that the applicant is qualified to teach a Common School according to the provisions of this section, he shall grant the applicant a

Certificate.

How granted in joint district.

State Superintendent may grant on appeal.

* See Form No. 26.

certificate to that effect, which shall give to the holder all the privileges and powers conferred by a certificate granted by a Town Superintendent for the term of one year. Any Town Superintendent shall, on application to the Town Superintendent of any adjoining town, be examined in regard to moral character, learning and ability to teach school, and if found qualified shall receive a certificate from said examining superintendent, qualifying him to teach in the town where he, the applicant, resides; also the town where the examining superintendent resides, for one year, unless annulled within that time, according to the provisions of said chapter 23 for annulling the certificates of teachers.

Town Superintendent may obtain certificate.

SEC. 57. The Town Superintendent may annul any such certificate, given by him or his predecessor in office, when he shall think proper, giving at least ten days previous notice in writing to the teacher holding it, and to the District Board of the district in which he may be employed, of his intention to annul the same.

May annul certificate.

SEC. 58. The annulling of a certificate shall not disqualify the teacher to whom it was given, until a note containing the name of the teacher, and the time when the certificate was annulled, shall be made by the Town Superintendent, and filed in the office of the Town Clerk.*

Note to be made and filed.

SEC. 59. The Town Superintendent, whenever he shall deem it necessary, may require a re-examination of all or any of the teachers in his town, for the purpose of ascertaining their qualifications to continue as such teachers.

Re-examination may be made.

SEC. 60. It shall be the duty of the Town Superintendent to visit all such Common Schools.

To visit schools.

SEC. 61. At such visitation, the Town Superintendent shall examine into the state and condition of such schools, both as respects the progress of the scholars in learning, and the good order of the schools, and may give his advice and direction to the Boards of Directors and the teachers of such schools, as to the government thereof, and the course of studies to be pursued therein.

Duties as visitor.

OF FORMATION AND ALTERATION OF SCHOOL DISTRICTS.

SEC. 62. Whenever the Town Superintendent shall contemplate an alteration of the boundaries of a school district, he shall give at least five days notice in writing to the clerk of the district or districts to be affected thereby, stating in such notice the time and place when and where he will be present to hear and decide upon such proposed alteration; and it shall be the duty of such clerk

Notice for alteration of district.

* See Form No. 27.

or clerks immediately to notify the other members of the Board. In hearing and deciding upon the alteration of a school district, the District Board of the district or districts to be affected by such alteration may apply to the Chairman of the Town Board of Supervisors and Town Clerk, to be associated with the Town Superintendent, and a majority of the Board so constituted, shall be necessary to make any change in the boundaries of a school district, and their action shall be final unless duly appealed from.*

Action final unless appealed from.

Notice of alteration.

SEC. 63. In all cases where an alteration of the boundaries of a school district shall be made, the Town Superintendent shall, within three days thereafter, give notice thereof, by filing a copy of the order so altering the same with the clerk of the district or districts affected by such alteration; and no alteration of any school district, made without the consent of a majority of the District Board indorsed on such order, shall take effect until three months after notice given as above specified, nor shall any alteration of an organized school district be made to take effect between the first day of December in any one year, and the first day of April, following.†

When to take effect.

Property to be divided.

SEC. 64. When a new district is formed, in whole or in part, from one or more districts possessed of a school house, or entitled to other property, the Town Superintendent, at the time of forming such new district, shall ascertain and determine the proportion of the value of the school house and other property justly due to such new district.‡

Division, how made.

SEC. 65. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence in the power of the Town Superintendent; and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion.

Proportion to be raised, how collected and applied.

SEC. 66. Such proportion, when ascertained, shall be raised and collected by tax upon the taxable property of the district, retaining the school house or other property of the former district, in the same manner as other district taxes are collected, and when collected, shall be paid to the Treasurer of the new district, to be applied towards

* See Form No. 28. †See Forms Nos. 29 and 31.
‡See Form No. 30.

procuring a school house for such district; and the money so paid to the new district shall be allowed to the credit of the taxable property taken from the former district, in reduction of any tax that may be imposed on said taxable property, in the new district, for the building of a school house.

Proceedings when district lies in adjoining towns.

SEC. 67. Whenever it shall be necessary to form a district from two or more adjoining towns, the Superintendents of such adjoining towns shall meet together and form such district and deliver the notice of such formation to a taxable inhabitant of such district, whose duty it shall be to serve such notice, as provided in the second section of this chapter, and the clerk of the district so formed shall make such report to the Superintendent of each such adjoining town, of such part of said district as may be situate in such town, as is prescribed in the thirteenth section of this chapter; and any district so formed, may be altered or regulated by the Superintendents of such adjoining towns, as may be deemed necessary.*

WHEN APPEAL MAY BE TAKEN.

Appeal may be taken in certain cases.

SEC. 68. Any person conceiving himself aggrieved in consequence of any decision made by any school district meeting, or by the Town Superintendent, in forming or altering, or refusing to form or alter any school district, or concerning any other matter under the provisions of this chapter, may appeal to the State Superintendent, who is hereby authorized and required to examine and decide the same; and such decision shall be final and conclusive; *Provided, however*, that the decision appealed from shall be operative until the State Superintendent shall reverse or change the same.

Proviso.

VALUATION AND EQUALIZATION OF PROPERTY.

Taxes, on what property assessed.

SEC. 69. All taxes raised and collected in any school district for any of the purposes authorized by the provisions of this chapter, except when otherwise provided, shall be assessed on the same kind of property as taxes for town and county purposes are assessed.

Assessments how made.

SEC. 70. Whenever any real estate in any school district shall not have been separately valued in the assessment roll of the town, and the valuation of such real estate cannot be definitely ascertained from such assessment roll, the town clerk shall estimate the value of the same, in proportion to the valuation affixed in said as-

* See Forms Nos. 2 and 3.

sessment roll to the whole tract of which such lot or piece of land forms a part.

Equalization.

SEC. 71. Whenever a school district embraces a part of more than one town, the Town Superintendents of the towns so in part embraced, upon application of any three persons liable to pay taxes in such district, shall proceed to inquire and determine whether the valuation of taxable property in the assessment rolls of such towns are just as compared with each other in respect to such district, and if considered not to be so, they shall determine the relative proportion of taxes to be assessed upon real estate of the parts of such district so lying in different towns, and shall certify the same to the town clerk of each town, and if received by him previous to making out the assessment roll for that year, he shall assess the school district tax according to such equalized valuation. In cases where the Superintendents cannot agree as to such valuation, they shall summon a Superintendent from an adjoining town, who shall unite in such inquiry and determination.

DUTY OF TOWN CLERKS.

Town clerk to keep reports, records, &c.

SEC. 72. It shall be the duty of the Town Clerk to receive and keep all reports made to the Town Superintendent, from clerks of school districts, and all books, maps and papers belonging to the Town Superintendent when required, and file them in his office; and he shall record, in a book kept for that purpose, such description of school districts, and organization or alteration thereof as shall be transmitted to his office by the Town Superintendent.

DUTIES OF CLERK OF THE COUNTY BOARD OF SUPERVISORS.

Duties of clerk of co. board.

SEC. 73. It shall be the duty of the clerk of the County Board of Supervisors in each county to receive all documents transmitted to him by the Town Superintendents of the several towns in his county, and all communications directed to him by the State Superintendent, and keep the same in his office, or dispose of the same as directed by the State Superintendent.

To report to state superintendent.

SEC. 74. The said clerk shall, on or before the tenth day of October in each year, make and transmit to the State Superintendent, a report in writing, setting forth the whole number of towns in his county, distinguishing those from which the required reports have been made to him by the Town Superintendents, and containing an abstract of their reports.*

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* See Form No. 33.

SEC. 75. He shall also within the time mentioned in the preceding section, make and deliver to the County Treasurer, a written statement of the whole number of children in each town in the county over the age of four, and under the age of twenty years, as shown by the Town Superintendents' reports, and the Board of Supervisors of each county shall allow to the clerk thereof such compensation as they may deem reasonable, for the services required of him by the provisions of this chapter.

To make written statement to co. treasurer.

LIBRARIES AND LIBRARY FUND.

SEC. 76. [Each Town Superintendent may, in his discretion, set apart a sum not exceeding ten per cent. of the gross amount of the school money apportioned to any school district which shall be applied by such districts to the purchase of school district libraries, which shall be the property of such districts; and any resident of a school district, and the parents and guardians of all the children therein, between the ages of four and twenty years, shall be permitted to use books from the school district library of said district without charge, being responsible to the district for the safe return thereof, and for any injury done thereto, according to such rules and regulations as may be established by the State Superintendent; *Provided, however*, that for the city of Milwaukee ten per cent. only on the amount of money received from the State shall be apportioned for library purposes as prescribed herein; *Provided*, that when the District Board or School Commissioners, shall so determine, a portion of the library money, not exceeding one-half the amount so appropriated, may be applied to the teaching of music in such schools.*]

Ten per cent. of school money set apart for libraries.

Who may use books.

Proviso.

Proviso.

One half of library money may be applied to teaching of music.

SEC. 77. The taxable inhabitants of each school district shall have power, when lawfully assembled at any annual district meeting, to vote a tax on the district not exceeding thirty dollars in any one year, for a district library, consisting of such books as they may direct their District Board, or any other person, at such district meeting, to purchase; and such further sum as they may deem necessary for the purchase of a book case.

District may vote tax for library.

SEC. 78. The clerk of the district, or such other person as the taxable inhabitants may at any legal meeting appoint by a majority of votes, shall be the Librarian of

Librarian, how appointed.

* This section is repealed. See the new Library Law published immediately after this chapter.

the district, and shall have the care and custody of the district library.

Fines and penalties.

SEC. 79. Every school district library, and the appurtenances thereunto belonging, shall be deemed to be vested in the District Board of the district, so as to enable them to maintain any action for the same, or for the value thereof, or for the recovery of any fine or penalty for damage done to any book or books, or neglect to return, or loss of the same; and all such fines and penalties incurred in consequence of a violation of any regulation lawfully established in respect to district libraries, shall be sued for and collected in the name of such District Board, and when so collected, shall be applied for the benefit of such district library.

Joint libraries.

SEC. 80. The legal voters in any two or more adjoining districts, may, in such cases as may be approved by the Town Superintendent, unite their libraries, and also their library moneys, as they shall be collected or received, and purchase a joint library for such districts, which shall be selected by the District Boards thereof, or by such persons as they shall designate, and shall be under the charge of a Librarian to be appointed by the District Boards of such districts, and the provisions of this chapter shall be applicable to such joint libraries, except that the property in them, and their appurtenances, shall be deemed vested in all the District Boards, for the time being, of the districts so united; and in case any such district shall desire to divide such library, such division shall be made by the Directors of the districts whose libraries are so united, and in case they cannot agree, then such division shall be made by the Town Superintendent.

Librarian to be appointed.

How library to be divided.

OF SUITS AND JUDGMENTS AGAINST SCHOOL DISTRICTS.

Jurisdiction, when school district is interested.

SEC. 81. Justices of the Peace shall have jurisdiction in all cases, in which a school district is a party interested, when the amount claimed by the plaintiff shall not exceed one hundred dollars, and the party shall have the same right of appeal as in other cases; and when an action shall be brought against any school district, it shall be commenced by summons, a copy of which shall be left with the Director of such district.

Execution not to issue.

SEC. 82. No execution shall issue on any judgment against a school district, nor shall any action be brought thereon; but the same shall be collected in the manner prescribed in this chapter.

SEC. 83. Whenever any final judgment shall be ob-

tained against any school district, if the same shall not be removed to any other court, the Director of such district shall certify to the town clerk of the town, the date and amount of such judgment, with the name of the party in whose favor the same was rendered; and if such judgment shall be removed to another court, the Director shall certify the same as aforesaid, immediately after the final determination thereof against the district.

Judgment to be certified.

SEC. 84. If the director shall fail to certify such judgment, as required in the preceding section, it shall be lawful for the party obtaining the same, his agent or legal representatives, to file with the Town Clerk of the town the certificate of the Justice or Clerk of the court rendering the judgment, showing the facts which should have been certified by such Director.

Who may certify judgment

SEC. 85. If the district against which any such judgment shall be rendered, is situate in parts of two or more towns, a certificate thereof shall be delivered as aforesaid to the Town Clerk of each town in which such district is in part situated.

How certified in joint districts.

SEC. 86. The Town Clerk receiving either of the certificates of judgment as aforesaid, shall proceed to assess the amount thereof, with interest from the date of such judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of said district, placing the same on the next town assessment roll in a separate column, and the same proceedings shall be had thereon, and the same shall be collected and returned in the same manner as other town taxes, and shall be paid to the party entitled thereto. If such district is situated in two or more towns, the Clerk of each town shall, on demand of any person interested, furnish for the Clerk of every other town in which any part of the district is situated, a certificate showing the total amount of the valuations of taxable property in that part of the district situate in his town, according to the last assessment roll of said town, and the amount of the judgment shall be assessed upon the respective parts of the district within the several towns in proportion to such valuation. In all cases when, for any reason, the Clerk of any town has heretofore failed, or shall hereafter fail, to assess the amount of any such judgment, or the proper proportion thereof, in the next assessment roll after the rendition of the judgment, it shall be his duty to assess the same in any subsequent assessment roll within two years thereafter, upon the taxable prop-

To be assessed on property in district.

How assessed in joint districts.

erty within the district, or part of a district, situate within his town, according to its limits at the time of making the assessment.

PENALTIES AND LIABILITIES.

Penalty for neglect to serve notice, &c.

SEC. 87. Every taxable inhabitant, receiving the notice mentioned in the first and second sections of this chapter, who shall neglect or refuse duly to serve and return said notice, and every Chairman of the first district meeting in any district, who shall wilfully neglect or refuse to perform the duties enjoined on him in this chapter, shall respectively forfeit the sum of five dollars.

Penalty for failure to serve as district officers.

SEC. 88. Every person duly elected to the office of Director, Treasurer or Clerk of any school district, who shall neglect or refuse without sufficient cause, to accept of such office, and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this chapter, shall forfeit the sum of ten dollars.

Town superintendent, penalty for failure to report to clerk of board.

SEC. 89. Every Town Superintendent who shall neglect or refuse to make and deliver to the Clerk of the County Board of Supervisors his annual report, as required in this chapter, within the time limited therefor, shall be liable to pay the full amount of money lost by such neglect or refusal, with interest thereon, to be recovered by the Town Treasurer in the name of the town; and every Town Superintendent and Town Clerk, who shall neglect or refuse to carry into effect any decision or order of the State Superintendent, shall be liable to removal by the Town Board of Supervisors, upon proper notice thereof, and the said Board shall have full power to fill any such vacancy, in such manner as vacancies in other town offices are filled, except that they shall not have power to re-appoint the person or persons so removed.

Penalty for disobeying order of state superintendent.

Penalty on clerk of board for failure to make report to state superintendent.

SEC. 90. Every Clerk of the County Board of Supervisors, who shall neglect or refuse to make the report required in this chapter to be made by him to the State Superintendent within the time therefor limited, shall be liable to pay to each town the full amount which such town, or any school district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered in the manner specified in the preceding section.

Penalties how applied.

SEC. 91. All moneys collected or received by any Town Treasurer, under the provisions of either of the last two preceding sections, shall be apportioned and distributed to the school districts entitled thereto, in the

same manner and in the same proportion that the moneys lost by any neglect or refusal therein mentioned would, according to the provisions of this chapter, have been apportioned and distributed.

Penalty on clerk of district for making false report.

SEC. 92. Every Clerk of a district who shall willfully sign a false report to the Town Superintendent of his town, with intent of causing such Town Superintendent to apportion to his district a larger sum than its just proportion of school moneys of the town, shall be deemed guilty of a misdemeanor, and punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

Also for not delivering books, &c. to his successor.

SEC. 93. Every school district Clerk who shall neglect or refuse to deliver to his successor in office, all records, books and papers appertaining to such office, shall be subject to a fine not exceeding fifty dollars.

[*Chapter* cxxxviii, *General Laws* 1858.

Penalty for using school money illegally, by district treasurer.

SEC. 13. It shall be the duty of the Town Superintendent of schools in each town, to prosecute any district Treasurer of his town, whenever such Treasurer shall use or pay out any moneys in his hands belonging to his district, without authority of law. In case such Superintendent shall neglect or refuse to prosecute such district Treasurer, he shall be liable to a penalty of fifty dollars, to be recovered by the Town Treasurer of his town, on the official bond of said Superintendent.]

MISCELLANEOUS PROVISIONS.

Town superintendent, bond may be sued.

SEC. 94. It shall be competent for any legally organized school district in this State, to commence action on the official bond of the Town Superintendent of Common Schools of the town in which such district is situated, for the recovery of any moneys lawfully due and belonging to such district, in all cases where such Town Superintendent shall neglect or refuse, for the space of ten days from the time by law fixed therefor, to apportion and pay over to the proper officer of such district, the school moneys aforesaid.

For default, town and county treasurer may be sued.

SEC. 95. It shall also be competent for such school district, or the Town Superintendent of Schools, in case of default of the Town Treasurer or County Treasurer to pay over to the Town Superintendent of the town in which such district is situated, the school moneys which by law should be paid over to such Superintendent, to commence action on the official bond of such Town or County Treasurer, for the recovery of such moneys.

How to commence suit.

SEC. 96. For the purpose of this chapter, the said school district, or the said Superintendent, shall have full power and right to commence action in the name of the persons or officers to whom any bond as aforesaid shall be given, and to control and prosecute such action without hindrance from the nominal plaintiffs to such action provided that such district or town, as the case may be, shall be justly responsible for any costs that may be finally adjudged against the plaintiff.

Certified copy of bond sufficient evidence.

SEC. 97. In the prosecution of actions under this chapter, a copy of the official bond sued upon, duly certified by the officer in whose custody such bond is placed by law, shall be deemed sufficient for all purposes of proof required in law, in said actions. And any actions under this chapter, in which the sum claimed to be justly due shall not exceed the sum of one hundred dollars, may be commenced and prosecuted before any Justice of the Peace in the same manner as other cases.

Maps of all districts to be made.

SEC. 98. It shall be the duty of the Town Superintendent of each town, to make a map of all the school districts [and parts of districts] in his town, specifying the sections, parts of sections or other subdivisions therein embraced, and file the same with the Town Clerk on or before the first Monday of September next; and also a map of each district, in like manner, and file the same with the Clerk of such district within the time above specified. And whenever thereafter any alteration shall be made in the boundaries of any school district, the Town Superintendent shall cause such alteration to be marked on the map and filed with the Town Clerk, and on the map of the district or districts affected by such alteration. In case of the formation of a new district, he shall furnish the Clerk of such new district with a map thereof, and cause the same to be marked out on the map filed in the Town Clerk's office.

Duty of state superintendent.

SEC. 99. Whenever, hereafter, any amendment shall be made to the provisions of this chapter, it shall be the duty of the State Superintendent to furnish a copy of such amendment to every school district in the State.

OF BORROWING MONEY BY SCHOOL DISTRICTS.

Districts may borrow money to build school houses, &c.

SEC. 100. Whenever any school district within this State, shall desire to make a loan of money to aid in the erection of a school house or houses, the question of a loan shall first be submitted to the legal voters authorized to vote at an annual school meeting, the vote to be taken by ballot; those voting in favor of the loan shall have

written or printed, or partly written and partly printed on their tickets "*For the Loan;*" and those voting against the loan shall have written or printed, or partly written and partly printed, on their tickets "*Against the Loan.*" And provided a majority of all the legal voters resident in the district shall vote in favor of the loan, then the Board of Directors of any such school district, the Trustees of any village, the Common Council of any city, or the Boards of Education for such village or city within the bounds of which any such school district is located, shall have power and authority to borrow money to aid in the erection of a school house or school houses under the restrictions hereinafter mentioned.

Conditions of loan.

SEC. 101. The money loaned in pursuance of the provisions of the preceding section, shall not be borrowed for a longer period than five years, and shall draw such rate of interest as may be agreed upon by the parties, but in no case exceeding a greater rate than twelve per cent. per annum; and the said Board of Directors, Trustees, Common Council, or Board of Education is hereby authorized to give notes, bonds, or execute a mortgage* upon any of the property, real or personal, belonging to the district making the loan, to secure the payment of the principal and the interest on the sum so borrowed; and the sum so borrowed shall in no case exceed ten per cent. on the valuation of the real estate contained in the district for the benefit of which the loan is made, according to the valuation contained in the last assessment roll or rolls of the town or towns, village or city, in which any such school district may be situated.

WISCONSIN JOURNAL OF EDUCATION—HOW SUBSCRIBED FOR AND DISTRIBUTED.

Journal of Education supplied to each district.

SEC. 102. The State Superintendent of Public Instruction from year to year, so long as he shall deem expedient, is hereby authorized to subscribe for so many copies of the *Wisconsin Journal of Education*, published by the State Teachers' Association, at the price of sixty-five cents per year, as shall be sufficient to supply one copy to each organized school district in the State, and one copy to each Town Superintendent of schools in the State; *Provided*, The State Superintendent be allowed to publish, free of expense to the State, any and all matters of an educational character that he may wish to publish from month to month in the columns

Proviso.

*See Forms Nos. 36 and 37.

How sent, and to whom.

of said *Journal*. The said periodical shall be sent by the publishers, postage pre-paid, to the Clerk of each school district in the State, and to each Town Superintendent in the State. It shall be the duty of each District Clerk to cause each volume to be bound at the expense of the district, and to be kept in the library of such district, subject to the general library regulations.

How paid for.

SEC. 103. A sum sufficient to pay for the number of copies of said *Journal*, so subscribed for, is hereby annually appropriated out of the income of the School Fund, and the same shall remain in the State Treasury subject to the draft of the State Superintendent of Public Instruction, to be drawn quarterly, and paid over to the publisher of said *Journal*.

Amount to be deducted from apportionment.

SEC. 104. In making the annual apportionment of the School Fund among the several towns and cities of this State, it shall be the duty of the State Superintendent to deduct from the whole amount otherwise subject to apportionment such sum as may be necessary to pay for the said *Journal* at the price above named.

Amount to be reported to state treasurer.

SEC. 105. In certifying to the State Treasurer the apportionment of the income of the School Fund annually, the State Superintendent shall state in such certificate the aggregate amount deducted according to the provisions of this chapter.

CHAPTER 138.—GENERAL LAWS.

[*Published June* 1, 1858.]

OF UNION SCHOOLS.

[The first eleven sections of this act were amendatory to the law of 1854, which amendments have been in their proper sections, incorporated in chapter 23 of the Revised Statutes, as herewith given, for which reason, the first eleven sections of the act above referred to, are not here re-published.]

Of Union High School districts.

SEC. 12. Whenever two-thirds of the legal voters of any two or more adjoining school districts shall at an annual meeting, by vote, determine to form a Union District for High School purposes, it shall be the duty of the Clerks of the districts so voting to furnish the Town Superintendent a certified copy of the minutes of said meeting, together with the names of those voting for and

against said proposition. Upon receiving such notice it shall be the duty of the Town Superintendent to determine and establish the boundaries of said Union District, and file a copy of such order with the Town Clerk. He may also, upon application, include persons and lands in adjoining districts in said Union District, according to his discretion.*

Board.

2. The control of such Union District shall be vested in a Board, consisting of Director, Treasurer and Clerk, who shall be elected in the same manner and hold their offices the same as officers of the District Boards, subject to the same rules and penalties: *Provided*, That the Town Superintendent shall have power to appoint the first Board of such Union District.

Taxes, how levied and collected.

3. The expenses of said Union School District incurred in purchasing or leasing school houses or sites, in building or repairing school houses, out-houses, fences, &c., in hiring teachers, and in establishing and carrying on said High School, shall be defrayed by a tax upon the real and personal property of said Union District, to be call the Union High School tax. Said tax shall be voted by said Union District, at its annual or special meetings, and shall be levied and collected in the manner hereinbefore provided for the assessment and collection of district taxes. No fee for tuition shall be charged or collected: *Provided*, however, That such tuition fee may be charged and collected from scholars not residing in the Union District, which fee or fees shall go into the general fund of said Union District.

Tuition fee.

Board of examination.

4. The Board of said Union District, together with the Town Superintendent, shall constitute a Board to determine the standard of qualification necessary for admission, the branches to be taught, and the books and apparatus to be used in said High School; and shall also examine all candidates for teaching in such High School, and award certificates to those deemed competent.

Annual meeting.

5. The annual meeting of the Union School districts shall be held on the Wednesday after the last Monday in September in each year, and such meeting shall have power to transact all business as prescribed in section 11 of the act of which this act is amendatory.

6. Special meetings may be held as provided in section 12 of said act.

Union districts, how formed.

7. When it is proposed to form Union Districts of territory lying in two or more adjoining towns, then the

*See Forms Nos. 38 and 39.

respective Superintendents of those towns shall act in concert in the formation of such Union District, as now required in the formation of joint districts, and the Superintendent of the town in which the house shall be situated, shall have the superintendence and control of said Union District after its organization.

Primary districts not impaired.

8. Nothing in this law shall be construed so as to impair the organization of primary districts within such Union District.

* * * * * * *

SEC. 14. This act shall take effect and be in force from and after its passage and publication; and all acts and parts of acts contravening the provisions of this act, are hereby repealed.

NEW LIBRARY LAW.

CHAPTER 210.—LAWS OF 1859.

AN ACT to provide a permanent Township School Library Fund.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Ten per cent. of the school fund income, subject to apportionment in the year 1860, and annually thereafter, together with the proceeds of a special state tax of one tenth of one mill on the dollar valuation, shall be, and are hereby set apart for the purpose of establishing and replenishing town school libraries, the books for which to be purchased by public authority, and distributed in some just proportion among the towns and cities of the state. **Library fund, how raised.**

SEC. 2. A special annual tax of one-tenth of one mill on the dollar valuation shall be and is hereby levied upon the taxable property in the state, to be collected in addition to, and with the state tax levied annually to provide for the current expenditures of the state; and the proceeds of the said special tax are hereby appropriated annually for the purpose expressed in the first section of this act. **Special tax.**

SEC. 3. After the present year, there shall be, and are hereby directed to be printed, folded, and sewed by the state printer, a sufficient number of extra copies of the session laws, journals, messages and documents of each year, to be placed in charge of the state superintendent, to supply each town and city school library in the state with a set; and these volumes shall be substantially bound, in such manner as the State Superintendent, with the approval of the Governor, shall direct, at a cost not exceeding thirty cents per volume, to be paid out of the fund set apart by this act for school library purposes. **Public documents.**

SEC. 4. Section seventy-six, of chapter twenty-three, of the revised statutes is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 21st, 1859.

WEBSTER'S UNABRIDGED DICTIONARY.

CHAPTER 138.—LAWS OF 1859.

AN ACT to provide for the purchase of certain copies of Webster's Dictionary, for the supply of deficient school districts of the state.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

How purchased.

SECTION 1. The state superintendent of public instruction, with the consent and approval of the governor, is hereby authorized to purchase, on behalf of the state, six hundred copies of Webster's Unabridged Dictionary of the English language, as revised by Professor Chauncey A. Goodrich, at a price not exceeding four dollars per copy, to supply the deficient school districts of the state, and to be distributed as provided in chapter twenty-two of the general laws of 1858.

To be receipted for.

SEC. 2. On receipt of such dictionaries, each town or city superintendent so receiving them shall deliver to the librarian or clerk of each town or city one copy for each common school, and each department of graded or high school entitled thereto, and shall take his receipt for the same, and file it among the records of his office.

How used.

SEC. 3. Such dictionaries when received by the several districts in this state, shall be considered as belonging to the library of the districts, and shall be subject to the same laws and regulations as other library books, but during the time a school shall be taught therein it shall be and remain in the school room during the hours of school, for the exclusive use of the scholars and teachers of such school, and under the control of the teacher or principal, who shall be responsible to the district for its loss, or for any unnecessary damage it may receive, the same as any other book of the district library.

How paid for.

SEC. 4. There is hereby appropriated out of the income of the school fund a sum of money sufficient to pay for the dictionaries provided for in this act to be paid out of the first moneys received into the school fund income after the apportionment of the present year; and the amount so paid shall be deducted from the amount subject to apportionment for the year next following after the said payment for dictionaries; and the state superintendent of public instruction shall certify to the state

treasurer the amount of such expenditures and deductions accordingly.

SEC. 5. This act shall take effect and be in force from and after its passage.

For form of application, consult the following from the laws of 1858:—

Affidavit.

SEC. 2. The State Superintendent of Public Instruction * * * upon the receipt of the affidavit in due form,* which shall be kept on file in his office, of any Town Superintendent or Commissioner of schools, or Superintendent of schools for any city, or the district clerk of any school district in this State, that such city, town or district has not yet been supplied with the said dictionaries or dictionary, as provided by an act approved March 21, 1855, then the said State Superintendent of Public Instruction shall distribute, as per order, to said city, town or district, sending one dictionary for each public school and department thereof, taught therein.

Penalty for false affidavit.

SEC. 4. Any Town Superintendent of schools, the Commissioners of schools, or Superintendent of schools for any city, or the district clerk of any school district in this State, who shall be guilty of making any false affidavit to the State Superintendent of Public Instruction, concerning any of the said dictionaries, or who shall, upon the receipt of the same, refuse or fail to deliver it or them for the use of the school or schools in their several towns, cities or districts, shall, on conviction thereof, be punished by fine of not more than fifty dollars nor less than ten dollars.

SEC. 5. All expenses incurred in the further distribution of any of the said dictionaries, to any town, city or school district in this State, shall be incurred by the town, city or school district receiving the same.

See Form No. 40.

NORMAL SCHOOLS.

As many of the provisions of the following Law apply to Union and High Schools, we have appended it for the convenience of those wishing to avail themselves of the Normal School patronage:—

CHAPTER 94.—LAWS OF 1859.

AN ACT to amend and consolidate chapter twenty-two of the Revised Statutes, entitled "of Academies and Normal Schools," and chapter 139 of the acts of a general nature of 1858.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amended.

SECTION 1. That chapter twenty-two of the revised statutes, entitled "of academies and normal schools," and chapter one hundred and thirty-nine of the acts of a general nature of 1858, are hereby so amended and consolidated so as to read as follows:

Fund apportioned.

(SEC. 1.) It shall be hereafter the duty of the commissioners of school and university lands to apportion the income of twenty-five per cent. of the nett proceeds arising from the sale of swamp and overflowed lands granted to this state by an act of congress, entitled "An act to enable the state of Arkansas and other states to reclaim the swamp and overflowed lands within their limits," approved September twenty-eight, one thousand eight hundred and fifty, to normal institutes and academies as hereinafter provided; *Provided*, that nothing in this section shall interfere with the fund set apart for drainage purposes.

Proviso.

Regents how appointed.

SEC. 2. For the purpose of more fully carrying out the provisions of this chapter, there shall be a board of nine regents, to be called the "Board of Regents of Normal Schools," no two of whom shall reside in any one county of this state. They shall be appointed by the governor, by and with the approval of the senate. The governor and superintendent of public instruction shall be *ex-officio* members of the said board of regents. The governor shall have power to fill all vacancies which may occur by death, resignation or otherwise, until the

next meeting of the legislature, or while the legislature is not in session, but the appointments thus made shall be confirmed by the senate during the next succeeding session of the legislature.

Term of office

SEC. 3. The term of office of all members of the board of regents hereafter to be appointed (except when such appointment is for an unexpired term) shall commence on the first day of January, and shall continue for three years. The board of regents shall be divided into three classes, so that the term of office of one class shall expire in each year.

Rules and regulations.

SEC. 4. The said board of regents shall have authority to make all by-laws and needful rules and regulations necessary for carrying into effect the provisions of this act, not inconsistent with the constitution and laws of this state. The officers of the board shall be a president, vice-president and secretary; they shall severally hold their offices for the term of one year, and until their successors are elected, and shall perform the duties incident to their several offices.

Annual meeting.

SEC. 5. The board of regents shall hold an annual meeting at the capital of the state, on the second Wednesday of April in each year, or at such time as may hereafter be designated by said board. The said regents shall not receive any compensation for their services, but shall be allowed from the income of the normal fund ten cents per mile for the distance traveled in attending any such meeting on the most direct and usual routes of travel. The secretary shall receive such additional compensation from the said income fund for his services as the regents may designate, not exceeding two dollars and fifty cents per day for the time actually devoted to such services. The mileage of the members of the board, and the *per diem* of the secretary, shall be paid out of the proper fund by the treasurer of the state, on the certificate of the president and secretary of the board, and a sum sufficient therefor is hereby appropriated.

Compensation

Special meetings.

SEC. 6. A majority of the board of regents shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. Special meeting of the board of regents may be called by the governor or president of said board, on a petition signed for that purpose by any three members of the board. At all special meetings of the board two-thirds of all the regents shall be necessary to constitute a quorum. Any regent may be removed from office, for cause, by a vote of two-thirds of the board.

Distribution of fund.

SEC. 7. All applications for any of the income of the normal fund, pursuant to the provisions of this act, shall be made to the board of regents of normal schools in such manner as they shall direct, and the school land commissioners shall distribute the income fund specified in section one of this act to such institutions and in such ratio as the board of regents shall designate, and no religious test shall ever be required of any student or scholar in any of the institutions and schools receiving any of the income fund designated in this act.

Regents to require evidence, &c.

SEC. 8. The regents shall require of each institution applying for any of the income fund designated in section one of this act, satisfactory evidence, which shall be uniform, that the provisions of this act have been fully complied with. They shall require a report annually, at such time as they shall designate, of the number, age, residence, studies, and number of days attendance of each pupil or scholar returned to them entitled to the distributive share of said income fund; and they shall make a report of the state and condition of such institution drawing from the income fund to the governor, at the same time that other state officers are required to report. A copy of the proceedings of the board of regents, fully and fairly kept and certified by their president and secretary, shall be filed annually, at the close of each fiscal year of this state, in the office of the secretary of state.

What schools entitled to receive fund.

SEC. 9. Every chartered college or university in this state, in which the usual college course of studies has been established and prosecuted, having corporate property to the amount of fifty thousand dollars above all incumbrances, every female college or seminary having corporate property to the amount of twenty thousand dollars, and every incorporated academy having corporate property to the amount of five thousand dollars, and every union or high school under the control of any city, village, town or district board of commissioners, trustees, or directors having control of the schools in such city, village, town, or district, according to the laws of this state, which shall establish and maintain a normal department in connection therewith, for the education of teachers, shall receive from the income of said fund, in such ratio as the board of regents shall designate.

Agents, how employed.

SEC. 10. The board of regents of normal schools are hereby authorized and empowered to employ such agent or agents as they may find necessary, whose duty it shall be, under the direction of said board, to visit and exer-

cise a supervisory control over the normal department of all such institutions in the state as shall apply to said board for a participation in the normal school fund, also to conduct county teachers' institutions, and give normal instruction in the same, and otherwise co-operate with the Superintendent of Public Instruction in providing a system of public educational addresses, to be delivered in the various counties in the state, and there is hereby appropriated a sum sufficient out of said normal school fund to defray the expenses of said agency.

Addresses provided for.

SEC. 11. All the income of the fund provided for in section one of this act, after the payment of the expenses of the board and of the agency aforesaid, shall be distributed to the colleges, universities, academies, and union or high schools severally (except the state university,) which shall have established and maintained such separate normal department according to the number of pupils instructed in such studies, and for such a period of time as the board of regents may designate as a qualification or condition for receiving the benefits of this act, until the amount awarded to any one of such institutions shall reach the sum of three thousand dollars annually.

Income fund distributed.

SEC. 12. The number of students pursuing the course of studies which may have been designated by the board of regents in the normal department of any college, university, academy, and union or high school receiving the benefit of this act shall be reported to the board of regents, upon the oath of the president or principal and the secretary of the board of trustees of such institution.

Reports, how made.

SEC. 13. Warrants of the board of regents, signed by the president and secretary thereof, and countersigned by the secretary of state, shall be drawn on the state treasurer in favor of such institutions for the amount appropriated to them severally, which apportionment shall be made on or before the second Wednesday of April annually. Each institution shall give a receipt, signed by its treasurer, or by the president and secretary of the board of trustees, to the state treasurer, on receiving any of the fund provided for in this act, and the state treasurer is hereby authorized to pay from the fund provided for in the first section of this act all such warrants as are drawn upon him by the president and secretary of said board of regents in accordance with this act.

Warrants, how drawn.

Receipts given.

SEC. 14. If any person authorized by this act, or by the rules and regulations provided by the board of regents to make report from any normal school of the number of

Penalty for making false report, &c.

scholars taught therein, shall make any false report of the number of students, the person so offending shall, on conviction thereof, be punished by fine not exceeding two hundred dollars nor less than fifty dollars, or by imprisonment in the county jail not more than six months nor less than one month; and if any person, for the purpose of enabling any institution to draw any moneys as hereinbefore provided, shall make any false statement relative to the value of the property of such institution, or as to the establishing and maintaining a normal department in connection therewith, the person so offending shall, on conviction thereof, be punished by imprisonment in the county jail not more than one year nor less than six months, and by fine not less than one thousand dollars nor more than three thousand dollars.

Discretionary powers.

SEC. 15. Whenever any town, city or village in this state shall propose to give a site and suitable buildings and fixtures for a state normal school, free from all incumbrances, said board of regents may consider the same, and if, in their opinion, the interests of education will be advanced thereby, they may, in their discretion, select from such propositions the one most feasible, and located in such place as is deemed easiest of access, and apportion to the same annually a sum not exceeding three thousand dollars, for the support and maintenance of teachers therein.

Relating to tuition.

SEC. 16. No charge shall be made for tuition to any pupil or scholar in said state normal school, whose purpose is to fit himself as a teacher of common schools in this state; and the number and qualification of scholars, and regulations under which they shall be admitted, shall be determined by the board of regents.

Take effect.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved March 14, 1859.

COURSE OF STUDY IN NORMAL INSTITUTES.

The Board of Normal School Regents, in adopting the following course of study, deems it a duty it owes to the institutions claiming the funds under its control, to state distinctly its view of the requirements of the law by which the duties of this Board are defined.

The act setting aside this fund gives power to the Regents to appropriate only to those institutions "which shall establish and maintain a Normal Institute in connection therewith, for the education of teachers," leaving it with the Regents to make and carry out such needful rules and regulations as they shall deem necessary. The original Board declared that "a Normal School or Normal Department, as contemplated in this act, is in the estimation of this Board, one in which students are educated with especial reference to fitting them for teaching in our Public Schools." The present Board have reiterated this as their decided conviction that this is the only just and true interpretation of the intent of the law.

Nor does this Board understand that the pursuit of any one or more of these studies, or even the full course, without especial reference to a preparation for teaching in our public schools, is sufficient to entitle the college or academy to become a recipient in the distribution of the fund. The course must be pursued in connection with lectures and constant reference to the theory and practice of teaching. It is not so much with reference to giving instruction in the facts of the science that the Board have adopted a course of study, as to provide means and methods of illustrating lectures by actual studies in which the theory shall be reduced to practice.

It is not sufficient then that these studies are pursued as such, to bring the pupil within the definition of studying for the profession of teaching, and the Board cannot regard those who, in a regular academic or collegiate course may be pursuing the same studies, because the Principal or Faculty have prescribed it as their course as coming within the meaning and intent of Normal Students. There the facts, principles and theories are taught, to fit the student for practice in life.

In the Normal department they must be pursued in connection with lectures embracing the following subjects: Education, its nature and design; physical education; intellectual education; moral education; æsthetical education; the history of education; and the examination of the powers of the mind, especially

with reference to receiving and communicating knowledge; school house architecture, including school furniture, grounds, &c.; organization and classification of schools; graded schools; modes of teaching different subjects; the proper incentives for schools; rewards and punishments; the office of teacher; his duties to himself, his school, and the public; duty to the State, in reference to educating its citizens; the educational policy of Wisconsin.

It is intended in this course of lectures, to present, as nearly as may be, the whole duty of the teacher, and to point out such modes of school discipline and management as shall assist the young teacher in preparing for his great work. The members of this department are also required to write on various topics connected with education, and to discuss in form of debate, such subjects as may be assigned by the Principal of the Institution.

The Board further propose to examine pupils on the studies of the course, and to award in their official capacity a certificate to all who shall have passed a creditable examination in the full course a first class certificate, and a second class for the first year studies.

Previous to pursuing the course, the student shall pass an examination by the Principal on the following studies:

Reading, Spelling, Written Arithmetic, Elementary Algebra, Physiology, History of the United States, English Grammar, through the ordinary treatise used in the common schools in this State, Descriptive Geography, Composition, Elementary Sounds.

FIRST YEAR.

Theory and Practice of Teaching, connected with, and illustrated by the studies in High School Arithmetic, Physical Geography, Political Geography, Algebra, Geometry, Modern History, Analysis of Language, Natural Philosophy, Natural Theology, Book-Keeping, Elementary Sounds, Vocal Music.

SECOND YEAR.

Theory and Practice of Teaching, connected with, and illustrated by the studies in History of English Language and Literature.

Principles of General Grammar, Drawing, Trigonometry, Chemistry, Mineralogy, Geology, Astronomy, Intellectual Philosophy, Moral Philosophy, Constitutions of the United States and Wisconsin, Political Economy, Calisthenics, Mensuration and Surveying, Vocal Music, and review of whole course.

The Board have further provided that the age at which students in the Normal Department, may entitle any institution to the benefit of the fund on their behalf, shall not be less than *sixteen years*,—with an actual attendance upon the instructions

of the department of not less than *sixty-five* days during the year.

It is hoped on the part of the Board, that they have made their suggestions and regulations so distinct as that,—with a careful study of the law under which these regulations are made —there may be no difficulty, on the part of those Institutions desiring a participation in the income fund of the Board, in understanding and complying with them, where there is an honest desire to do so. If, however, there should be any important question upon which any institution may desire further information, a line addressed to the Secretary or either member of the Board will be cheerfully answered.

Such Institutions as are described in section nine of the act of incorporation, which have fully complied with the provisions of said act, and the regulations of the Board in establishing and maintaining a separate Normal Department in which is taught the prescribed course of study, will be entitled to draw from the Income Fund in proportion to the number of properly qualified students who have received instruction therein for the requisite number of days.

The report of the same must be made to the Secretary of the Board, by the 5th day of March of each year, embracing the attendance to the 1st day of January preceding,—containing distinctly the names, ages and residence of each student returned; with the studies pursued, for at least sixty-five days in the separate Normal Department,—which report must be signed and sworn to by the President or Principal, and the Secretary of the Board of Trustees of the Institution.

REGULATIONS CONCERNING APPEALS.

By the State Superintendent.

1. An appeal must be in writing, signed by the appellant; and all the facts therein stated, with the accompanying maps and papers, intended to be presented in support of it, must be verified by oath.

2. When the appeal has relation to the formation or alteration of a school district, it must be accompanied by a map of the district, exhibiting the site of the school house, the location of each inhabitant residing therein, the roads and lines of the old and new district, the streams of water, marshes, lakes, &c., in the districts, and all other information bearing upon the case. Also, a list of the value of the taxable property, taken from the last assessment roll, and the number of children between four and twenty years of age, belonging to each inhabitant, distinguishing the districts to which they respectively belong.

3. When any proceeding of a district meeting is appealed from, any one or more of the inhabitants of such district who voted for the proceeding, or sustained the action appealed from, may answer the appeal, if the same is not answered within thirty days by the District Board.

4. When the appellant is the District Board, a majority must sign the appeal.

5. A copy of the appeal, duly verified by oath, and of all the statements, maps and papers, intended to be presented in support of it, must be served on the officer or officers whose act or decision is complained of, or some one of them; if it is from the decision or proceeding of a district meeting, upon the District Clerk, or one of the District Board, whose duty it shall be to cause information of such appeal to be given to the inhabitants who voted for the decision or proceeding appealed from; such

service must be made within thirty days after the making of the decision, or the performance of the act complained of, or within thirty days after the knowledge of the cause of complaint came to the appellant, or some satisfactory excuse must be rendered for the delay.

6. The party on whom the appeal is served must, within fifteen days from the time of such service, answer the same, either by concurring in a statement of facts with the appellant, or by a separate answer. Such statement and answer must be in writing, and be signed and verified by oath, by the party making it.

7. A copy of the answer, duly verified by oath, and all of the statements, maps and papers, intended to be presented in support of it, must be served on the appellant, or some one of them, within fifteen days after the service of the appeal, unless further time shall be allowed by the State Superintendent, on application, in special cases.

8. Affidavit, or admission of service of copies of the appeal, answer, and all other papers intended to be used on the hearing of the appeal, must in all cases accompany the same.

9. No replication or rejoinder shall be allowed, except by permission of the State Superintendent, upon an affidavit, showing that new facts have come to the knowledge of the party wishing the rejoinder, since the appeal or answer has been submitted to the State Superintendent.

10. All decisions on appeal must be filed or recorded as the State Superintendent shall direct.

11. The decision of an appeal by the State Superintendent being "final and conclusive," in no case can a rehearing be granted, after a case has been once decided.

12. The first regulation of the Department concerning appeals, is, "An appeal *must* be in writing, signed by the appellant; and *all* facts therein stated, with the accompanying maps and papers, intended to be presented in support of it, *must* be verified by an oath." The regulations also imperatively require that a copy of the appeal, duly verified by oath, with all the ac-

companying statements, maps and papers, *must* be served by the appellant on the opposing party; and a copy of the answer *must* be duly served on the appellant. Notwithstanding these requirements are so plain and positive, there are persons who imagine they *must* visit the State Superintendent in person, and explain and enforce their view of the question at issue. The Superintendent, to be just to himself and his position, can not consent to hear any *ex-parte* statements; he can *only* receive and entertain papers in appeal cases, properly verified, and properly served on opposing parties; and it is only upon such cases, so presented, that a decision can be rendered. The decision must be made from *the record*, and no amount of personal visiting and plying the State Superintendent, can in the least affect the result. It is, therefore, very desirable that parties interested in appeals should *not* personally apply to the State Superintendent with a view or hope of influencing his action. He is determined to hear and examine cases only when "*in writing*," duly "verified," and properly served on opposing parties.

INSTRUCTIONS

FOR CONDCUTING PROCEEDINGS UNDER THE SCHOOL LAW.

Prepared by the Superintendent of Public Instruction,
In pursuance of Section 11, *of Chapter* 138 *of General Laws of* 1858.

As questions frequently arise in the administration of the School Law by school districts and Town Superintendents, which cannot satisfactorily be settled in the towns where they originate, the opinion of the State Superintendent is solicited as the proper construction of the law, and the best mode of extricating themselves from real or imaginary difficulties. This has given rise to an extensive correspondence with school officers and others, which has not been diminished by the numerous and repeated decisions that have been made, of which the records bear evidence. It is designed in the following pages, to provide the requisite forms for proceedings in the administration of the law, accompanied with such explanatory notes and instructions as are thought necessary to aid school officers in the performance of the duties devolving upon them.

There is also included in this volume a commentary upon the text of the law, answering the questions that frequently arise, particularly in regard to the powers and duties of officers, which it is hoped will not only save the trouble and expense of a correspondence heretofore deemed necessary, but obviate delays, and prevent, in some measure, difficulties that might otherwise arise.

School officers, and others, are invited to a free and unrestricted correspondence upon all subjects relating to the School Law or educational interests of the State.

NOTES ON THE SCHOOL LAW.

OF THE ORGANIZATION OF SCHOOL DISTRICTS.

(SEC. 1.) The principal object of the Town Superintendent in forming school districts should be, as far as possible, to secure permanent and efficient districts, with a sufficient amount of taxable property and number of children to maintain a school at least six months each year, affording the requisite facilities for the regular attendance of all the children residing in the district. He should especially avoid dividing districts so as to render them so small as to cripple and deprive them of the power of maintaining good schools and paying the wages demanded by a good teacher; as it is of vastly more importance to every neighborhood, every parent and every child to have good and efficient schools than to save a few dollars in taxes for teachers' wages. As it is plainly impossible to lay down even a general rule as to the proper size of a district, the Superintendent must be guided by his own good judgment; but about four sections of land in a tolerably well settled country, with from forty to eighty scholars, would be a good standard size. Such a district could maintain a good school easily for ten months a year, without suffering from heavy taxation. And every district, feeling a proper regard for the interests of the rising generation, should endeavor not to be satisfied with a three months' school—barely complying with the law, so as to receive their share of the apportionment. Our free school system is lifeless without the sustaining hand of the people; hence the necessity of securing the co-operation of the inhabitants interested, and of avoiding all occasions for strife and dissensions which destroy, in a measure, the prosperity and efficiency of the district.

It is, in many cases, impossible to satisfy all in the formation or alteration of the boundaries of school districts, and the Su-

perintendent, having discharged his duty impartially, should endeavor to reconcile disaffected persons in the changes made; but it is better to submit to many temporary and local inconveniences than to create general dissatisfaction by alterations that may even be highly judicious and beneficial.

Districts should be described according to the Government Surveys, but marked natural objects, as rivers, &c., will be a suitable boundary. The description should be made as correct as possible, and immediately filed with the Town Clerk, and the necessary alteration made in the map of the town. A "taxable inhabitant" means one liable to pay a tax, and not one who has already been assessed.

Notice of the first meeting of a district to organize (see Form No. 3, and Note) should be given within twenty days after the formation takes effect; but if for any cause it is not so given, it may be at a subsequent time.

(Sec. 2.) Notice of the First Meeting requires personal service, or service by leaving a written notice. No other meeting requires this, but all Annual and Special Meetings are called according to Section 29.

Qualified voters at a School Meeting are those qualified to vote at a general election for State and County officers. The law also requires a residence of ten days in the district.

The qualifications requisite for a voter at a general election, are as follows:

"Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the State for one year next preceding any election, shall be deemed a qualified voter at such election:

"1. White citizens of the United States;

"2. White persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization;

"3. Persons of Indian blood, who have once been declared by law of Congress to be citizens of the United States, any subsequent law of Congress to the contrary notwithstanding;

"4. Civilized persons of Indian descent, not members of any tribe.

"No person under guardianship, *non compos mentis*, or insane, shall be qualified to vote at any election; nor shall any person convicted of treason, felony, or bribery, unless restored to civil rights; nor shall any person who, being an inhabitant of this State, may hereafter be engaged, directly or indirectly, in a duel, either as principal or accessory, be permitted to vote at any election; nor shall any person who shall have made, or become, directly or indirectly, interested in any bet or wager depending upon the result of any election at which he shall offer to vote, be permitted to vote at such election."

The person appointed should notify every voter, as the law directs, (see Form No. 4) and make the proper return (Form No. 5) which should be recorded, as without this there is no recorded evidence of the proper organization of the District, or of its legal boundaries.

(Sec. 4.) The law makes it the duty of the inhabitants to assemble upon the proper call for a School Meeting, and if this were obeyed, there would be fewer district quarrels. Often but four or five persons assemble at the Annual meeting, and transact business for forty or fifty voters, and amidst the many minds of many men these proceedings are by many considered unjust, and sometimes dishonest. Frequently incompetent or dishonest men are thus elected, against the will of a very large majority of the district. This evil should be corrected.

(Sec. 7.) The law provides, that a school district shall be deemed duly organized when any two of the officers elected shall have filed their written acceptance of the offices to which they have been respectively elected, with the District Clerk; and as none but an *organized* district has any powers under the law, it follows that at the first meeting of a district after its formation, no further business can be legally transacted than the election of officers, unless the persons elected are present and immediately file their written acceptance. (See Form No. 7.)

The law also declares that a district shall be *legally* organized

after it shall have exercised the franchises and privileges of a school district for the term of two years; but this does not imply that the district is not fully organized, and has all the rights and privileges of a duly organized school district. In the case of a joint district, the organization is complete upon the election and qualification of its officers, nor can one Town Superintendent, before it shall have been organized two years, alter its limits without the consent and co-operation of the Superintendents of all those towns in which any part of such joint district may be situated.

The qualified voters of a district, when assembled at the first meeting, have the same power to transact business as at the annual meeting.

(Sec. 8.) The law makes School Districts bodies corporate, and consequently all contracts made with the District, and all suits brought by the District, and in all writings whatever the name of the District should be inserted and not the names of the officers, except when the officers are empowered by law to act.

DISTRICT MEETINGS.

(Sec. 9.) The time for holding the annual meeting in each district is fixed by law at six o'clock in the afternoon, of the last Monday of September in each year; but any annual meeting may change the *hour* for holding the next annual meeting by vote, duly recorded. For notice of annual meeting, see Form No. 8.

(Sec. 10.) Six days notice must be given of each annual meeting, and of every meeting that shall have been adjourned for a longer time than one month, (see Form No. 10.) and of every special meeting, (except as provided in section three, when a district has lost its organization,) by posting notices in four or more public places in the district.

No annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was *willful* and *fraudulent*. This provision is intended to apply to cases, when through mistake or accident, the proper

legal notice was not given, and not to cases where no attempt has been made to comply with the law. The above provision will apply equally to special meetings. For when the Clerk undertakes to give the requisite notice, and fails unintentionally to strictly comply with the law, the proceedings of the meeting wil not be *void* on that account, but may be set aside on appeal, for sufficient cause shown.

(Sec. 11.) The law does not specify what number of voters shall constitute a quorum for the transaction of business at a district meeting; and if the notice of any meeting has been legally and fairly given, and the proceedings are regular, they will not be disturbed because of the few voters that were in attendance. It is the duty and the privilege of all voters to attend the annual and special district meetings, especially as officers are to be elected for three years. Much of the difficulty in school districts arises from efforts made at special meetings to annul or change the action of the annual meetings; and such changes are frequently made, involving the district in a neighborhood strife, or in the trouble of a vexatious appeal or an expensive lawsuit. It is the manifest duty of all voters in a district to assemble at the time and place appointed for the transaction of business, and for deliberation and consultation upon the various interests connected with their schools. Such meetings should be conducted with order, regularity and decorum; no other feeling than a sincere desire to promote union, harmony and concert of action should be there entertained. It is the will of a majority of the district that is required to secure efficiency in the acts of the district.

At the appointed hour, after making an allowance of fifteen or twenty minutes for difference in time pieces, if the voters are not all assembled, the meeting should organize by the appointment of a Chairman, the Clerk of the district acting as Clerk of the meeting. If the Clerk is not present, or if it is the first meeting of the district, the meeting should choose a Clerk for the time being; but if the District Clerk is present, it is his

duty to act as Clerk, and in no case can a substitute be appointed, if he is present.

The meeting is then organized for the transaction of business; and if there are but a few voters of the district present, it is always advisable to adjourn the meeting, if a larger number can be assembled by so doing.

The regular mode of choosing district officers is by *ballot*, separately for each office, and this mode of proceeding should not be dispensed with under any circumstances.

The person receiving the highest number of votes should be declared elected by the chairman, and the number of votes cast for each candidate should be recorded by the clerk. When officers have been fairly elected, it is not in the power of the meeting to reconsider or rescind the vote by which they were chosen. If any person so chosen is present, and signifies to the meeting that he will not accept, the meeting may, as thought best, make another choice, or allow the vacancy to be filled by appointment, though it is better to make another choice at once. It is not necessary that a person should be a voter, in order to be eligible to election as a district officer.

All other business of the meeting should be transacted by written resolution, regularly put to vote in the customary manner. If there is any doubt in ascertaining the result of any vote, the persons voting for or against any resolution should be determined by count, or by ayes and noes. But upon all resolutions contemplating the levying of a tax, changing the site of the school house, building new school house, or the purchase of a school house or school house site, it is necessary that the vote be taken by ayes and noes, and recorded in the records by the District Clerk. And to prevent delay in the proceedings of the meeting, the Clerk should have prepared a list of the voters of the district, for taking the ayes and noes upon the different propositions that will probably come before the meeting after the following form:

Names of Voters.	On resolution to designate School House site.		On resolution to raise $250 tax to build School House		On resolution to raise $40 tax to pay teacher's wages.		On resolution to raise $15 tax for Library.	
	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.
James Miller.....	—		—		—		—	
Thomas Carroll.....	—		—			—		—
John Clark.....	—		—		—		—	
Edward Ross.....	—		—			—	—	
Henry Billings.....	—		—		—			—
William Johnson....		—	—			—	—	
Alvin Morris.. ...		—	—		—		—	
	5	2	7		4	3	5	2

As the law authorizing special meetings to levy a tax, and the District Treasurer to collect the same, is intended to apply only in cases of emergency, and not to be the general rule, it becomes necessary for the District Board of each district to estimate the expenses necessary to be incurred by the district for the ensuing year, and submit a detailed statement thereof, stating separately each item of expenditure, to the annual meeting. Besides, the annual meeting is the proper time for the district to settle all matters relating to the schools for the ensuing year, and it is far better to have a full and free expression of opinion from all, than to leave the whole control and management of the schools with the District Board. The Board should feel bound by such action of the annual meeting and carry out, as far as possible, the expressed wishes of the people of the district.

All propositions brought before a district meeting should be voted upon *separately*, in order to obtain an expression of the real wish of every voter upon each of the propositions submitted.

School districts may alter, repeal, or modify their proceedings as occasion may require. This can not be construed to apply to the reconsideration of the election of officers, or to any proceedings that have been partially or wholly carried into effect; as where contracts have been entered into, liabilities incurred,

or expenditures of money had, in carrying out any measure directed by the district, as there are no means provided to indemnify those who may be losers thereby. When district officers have been legally elected at any district meeting, neither that nor any subsequent meeting have any power to reconsider or rescind the vote, whether by ballot or otherwise, by which such officers were chosen. A district officer, when elected, cannot be deposed by a vote of a district meeting. If it is intended to alter or modify at a special meeting any proceedings of a previous meeting, the intention to do so must be specified in the notice calling such meeting. (See section 29.)

A tax cannot be voted for arrearages generally, or to reimburse district officers for moneys expended by them, unless it appears by the vote that the money is to be applied to the objects for which taxes may be raised; all such votes must be taken by ayes and noes, and entered at length upon the district records.

When the voters of a school district have by a vote to that effect, authorized the District Board to make repairs upon the school house, or to do any other lawful acts involving an expenditure of money, they will be required to save the district officers harmless if the latter have acted in good faith.

A school house built by subscription may, if under the control of the District Board, be kept in repair by a tax on the taxable property of the district.

The voters of a School District cannot, by a vote to that effect, direct that the requisite *fuel* shall be provided by those persons sending children to school, in proportion to their attendance, as no such vote can be enforced. The inhabitants may *voluntarily* contribute their proportion of fuel, which will of course lessen the amount of taxes to be raised; but if they do not, the District Board are required to furnish fuel, to be paid for by a tax levied upon the taxable property of the district.

It is the duty of the person acting as Clerk to keep acccurate minutes of the proceedings; and before the meeting is adjourned the minutes should be read, that errors, if any, may be corrected

and afterwards they should be recorded by the Clerk in the record book of the district.

No particular form is required for keeping the minutes of the proceedings of a district meeting. They should be recorded just as they occurred. It is important, however, that the time and place of holding and character of the meeting should be distinctly stated, which may be as follows:

"At a meeting of the legal voters of school district No. —, of the town of ———, held pursuant to adjournment, at———, on the ——— day of ———, 18—, [*or, if it is the annual meeting, say, "at an annual meeting of, &c., held pursuant to notice, at," &c.; or if it is a special meeting, say, at a special meeting, &c , held pursuant to a special notice by the Clerk, at," &c.: or if it is appointed by the Town Superintendent, say, "at a meeting of the legal voters of, &c., held pursuant to appointment by the Town Superintendent, and notice served on all the qualified voters of the district, at," &c.,*] A. B. was chosen Chairman, and C. D. was present as District Clerk, [*or if the Clerk was not present, say,* "the Clerk being absent, R. S. was chosen Clerk, *pro tem.*"]

Then enter the proceedings in the form of resolutions, and state whether adopted or rejected, and the names of every person voting for and against any resolution, if the ayes and noes are required to be taken according to the instructions above given, as voting a tax, &c., or if demanded by any five voters present.

(Sec. 12.) Special meetings may be called by the Clerk, or in his absence by the Director or Treasurer, on the written request of any five legal voters of the district; and the qualified voters legally assembled at a special meeting, have power to transact the same business as at the annual meeting.

Section twelve of the School Laws, provides that a special meeting may have power to transact the same business as at the first and each annual meeting. In the case of the destruction of a school house by fire, or in case of any other emergency, it may become necessary to levy a tax and proceed at once to its

collection. To obviate the difficulty experienced under the old law, this power was conferred upon special meetings, and the sections of the Revised Statutes of 1849, quoted between sections thirty-six and thirty-seven, of this edition of the School Law, were revived, and are now in force, in relation to the assessment and collection of school district taxes voted at any such special meeting.

But no business can be legally transacted at a special meeting which was not specified in the notice calling it. (See Form No. 9.)

The law provides that "special meetings may be called," &c. by the Clerk. The use of the word *may* does not leave the matter optional with the Clerk. The discretion is left only with the legal voters of the district; and if any five of them make a written request of the Clerk to call a special meeting, stating the objects for which they wish it called, it is the imperative duty of the Clerk to do so, and any neglect or refusal on his part will subject him to a fine under section eighty-eight of the School Law. But the Clerk is not obliged to call special meetings repeatedly to act upon the same business. After a matter has been decided by a full meeting, the decision should be acquiesced in by the District.

(Sec. 13.) If the time for holding the annual meeting in any district, shall pass without the election of district officers, the Clerk, or in his absence, either the Director or Treasurer, within twenty days after the time for holding such annual meeting, may notify a special meeting for such election in the manner prescribed in the twelfth and twenty-ninth sections, &c., as set forth in the 13th section of the School Law. That is, the Clerk must call the meeting if requested by five legal voters, and must give notice the same as for any other special meeting. If a special meeting is not thus called, the Town Superintendent may; in his discretion, appoint new officers.

(Sec. 14.) No school district meeting can vote to raise a sum exceeding five hundred dollars for building, hiring, or purchasing a school house, without a written certificate from the Super-

intendent of the *town in which the school house is to be situated*, that a larger sum ought to be raised. (See Form No. 11.) In a joint school district, a majority of the Superintendents of the towns in which such district is situated, must sign the certificate before a larger sum than $500 can be voted to build, hire, or purchase a school house.

The voters of a district may legally vote a tax to enlarge their school house, notwithstanding it may have already cost $500 without a certificate from the Town Superintendent.

(Sec. 15.) By section fifteen the qualified voters, at an annual meeting, may determine the length of time a school shall be taught, whether by a male or female teacher, the application of public money, &c.; but if the meeting does not direct the Board in these matters, it becomes their duty to act the same as the district might have acted.

If these matters are not attended to at the annual meeting, no determination of them at a special meeting will annul any previous contract made by the District Board.

The Board are authorized to hire a teacher for three months, even though the district vote that they will have no school.

It is desirable and important that schools should be taught in every district in the State throughout the year, with the exception of the usual vacations; but as this is impossible in a great majority of districts, there should be at least two terms, one commencing on the first of May, and the other on the first of November, thus accommodating a class of scholars who are necessarily engaged in agricultural or other pursuits, and unablo to attend school during the summer months.

DISTRICT OFFICERS AND THEIR DUTIES.

(Sec. 16.) The officers of a school district are a Director, Treasurer and Clerk, who constitute the District Board, and a majority of the members thereof is sufficient to give validity to any act of theirs as a District Board. They hold their respective offices three years, and until their successors are elected and qualified, but not to exceed ten days beyond the expiration

of their term of office, or if appointed, beyond the first annual meeting succeeding their appointment. The manner of calling a special meeting to elect district officers when the annual meeting has passed without an election, has been considered under section 13.

District officers are not required to file a written acceptance with the Clerk, except at the organization of a district, and when an appointment has been made to fill a vacancy. The Clerk of the meeting, at which officers were elected, is required to notify the persons elect who were not present at the time of their election, (see Form No. 12); and unless each person so elected and notified, shall within ten days after his election, file with the Clerk his *refusal* in writing to accept the same, he shall be deemed to have accepted the office, (see Form No. 13). A person appointed to fill a vacancy, (see Form No. 24), must file a written acceptance. (See Form No. 7).

A written refusal to accept is only necessary in cases of written notice of election or appointment.

If a district neglects or refuses to elect officers, the officer elected the previous year holds his office for ten days after the expiration of his term, at which time the Board may appoint his successor; but if they neglect or fail so to appoint for ten days, the Town Superintendent may fill the vacancy by appointment.

District officers must be chosen by ballot. The fact that officers are elected, and so declared, by any mode, without any express resolution previously adopted, directing the mode of electing officers, implies a consent to the manner of election by which they were actually chosen. But the correct mode of electing officers is by ballot, and no school district should depart from it. In whatever way officers are elected, the vote should be recorded in the minutes of the meeting.

(Sec. 17.) It is the duty of the Director to sign all orders drawn by the Clerk on the Treasurer, (see Form No. 14), or the Treasurer is not required to pay them. But the Director is expected to see that the orders drawn by the Clerk are legitimate and proper, and contemplate no illegal or unauthorized

disbursement of public money; still, the Director has no right or authority to withhold his signature unreasonably; any such unreasonable refusal to perform his required duties will render him liable to a fine. The only reason for refusing to sign an order drawn by the Clerk, which can be given, is that the orders are illegal or incorrect.

(SEC. 18.) The Director shall conduct any action ordered to be brought by the district, when no other direction shall be given, but this must not be construed into giving the Director authority to commence actions whenever he may see fit. He may commence action against the Treasurer for any breach of the conditions of his Bond, as provided in section 20.

(SEC. 19.) In case a Treasurer persistently refuses to pay over moneys upon the proper order he becomes not only liable on his bond, but also liable to an indictment for embezzlement. Chapter 165, Sections 30, 31, 32, R. S. contain the following sentences: "If any person having in his possession any money belonging to this State, or any county, town, city, or *other municipal corporation* * * * or if any collector or treasurer of any town or county or incorporated city, town or village, or any other person holding an *office under any law of this State* * * * * who shall willfully *neglect or refuse to pay* over the same, or any part thereof, according to the provisions of law * * * * shall be deemed and adjudged to be guilty of an embezzlement. * * * And every refusal by an officer to pay any sum lawfully demanded, shall be deemed an embezzlement of the sum so demanded. Any person demanding of any officer any sum of money which he may be entitled to demand and receive, who shall be unable to obtain the same, by reason of the money having been embezzled as aforesaid, if he shall neglect or refuse for thirty days after making such demand to make complaint against such officer, shall be deemed an accessory, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars."

The law is thus exceedingly stringent, and must be complied with fully.

It is the duty of the Treasurer to apply to the Town Superintendent for the school money due his district as soon as the same becomes payable, and give his receipt therefor to that officer, that he may be able to make his annual settlement with the Town Board of Supervisors.

The form of such receipt may be as follows:

"Received of A. B., Town Superintendent of schools of the town of ———, the sum of ——— dollars, being the amount of school money apportioned to school district No. ——, of said town, by said Town Superintendent, for the year 185—.

"Dated, &c. "F. S.,

"*Treasurer of school district No.* —,
of the Town of ———."

The same form of receipt will also answer when moneys are received of the Town Treasurer, by a change of the official title.

(Sec. 20.) The Treasurer should be careful to keep a minute and correct account of every transaction of his office, and preserve the vouchers for all money paid out. A mere exhibition of vouchers by the Treasurer to the meeting is not all that is required by the law. Each item of his account must be particularly and fully set forth and reported to the meeting, that it may be recorded by the Clerk. The finances of the district are always a matter of solicitude to those interested, and a very little attention on the part of the Treasurer will enable him at all times to satisfy any one of their true condition, and inspire confidence in his report by convincing them of its correctness. The Treasurer is liable on his bond for any malfeasance in office, or for refusing to pay any balance that may be in his hands to his successor.

The report of the Treasurer should always be properly audited, and if found correct accepted, and the report in full, with the report of the Auditing Committee, and the vote of acceptance, entered at length upon the records of the district.

(Sec. 21.) The office of Treasurer becomes vacant, unless the person elected qualifies within ten days by filing his bond, duly approved by the Director and Clerk. (See Form No. 16.)

It is the duty of the Treasurer elect to procure the endorsement of the Director before he files his bond.

(Sec. 22.) If the Clerk receives the bond and retains it beyond the ten days, without signifying to the Treasurer his refusal to file the same, the Treasurer can consider the same as approved by him, and the Clerk will be obliged to file the same at the date of reception.

(Sec. 23.) An appointed Treasurer is not restricted to ten days to file his bond, but he must file it before entering upon the duties of his office. He will hold office only until the next Annual Meeting.

(Sec. 24.) In case of any breach of the conditions of the Treasurers bond, before the expiration of his term of office, it is the duty of the Director to bring an action according to section 22, but any action after the expiration of his term of office, must be brought by his successor in office. The Treasurer should, in all cases, be held strictly to the duties of his office. His final report should be thoroughly examined, and the new Treasurer's receipt for the sum received from his predecessor, together with the final report should be entered upon the records.

In case taxes are voted at a special District Meeting, it is the duty of the District Treasurer to collect them, and for this purpose the powers of Town Treasurers are conferred upon him. (See sections 70, 71, 72, of the Statutes of 1849, published between sections 36 and 37 of this law).

(Sec. 25.) The duties of the Clerk are particularly specified in the law, which are generally to keep all the records of the district in a book provided for that purpose. To aid him in the discharge of his duties, the necessary forms accompany these notes. If not present at a district meeting, it is his duty to record the proceedings thereof when certified to him by the Clerk of the meeting.

It is also made the duty of the Clerk to record the Annual Report of the District. This is too frequently disregarded, and many papers of value are carelessly lost. Everything of impor-

tance to the district should be preserved, and as far as possible entered upon the records.

(SEC. 26.) The Clerk of the District Board acts in a double capacity: as a member of the Board he has a voice in their meetings; but as Clerk of the Board he is simply to carry out the expressed will of a majority of the Board. If present at any meeting of the District he must act as Clerk, and in no case can a substitute then be appointed.

(SEC. 27.) Section 88 of the School Law imposes a fine upon the Clerk, and other district officers, for neglect of duty. The Clerk, and all district officers, must be left to their own discretion in their action, but a persistent refusal to carry out the wishes of the Board, should vacate the office of the person who thus acts. Harmony of action should be preserved, or the efficiency of the school is very much impaired.

The evident intent of the law in regard to the employment of teachers is, that a majority of the Board shall hire the teacher. If the Clerk obtains, with his own, the endorsement of another member of the Board, they two constitute a majority—the Clerk merely carrying out the wishes of the Board in drawing up and signing the contract in his capacity as *Clerk* of the Board. If the District Clerk had the power to set the other members of the Board at defiance, he would be the sovereign of the district, unless there was some remedy against such an unwarranted assumption of power. There is such a remedy in the law, which, in effect, declares that a majority of the Board shall select the teacher, as two of them are required to sign the contract; then it plainly becomes the duty of the Clerk to draw up the contract and sign it. If he refuses to do this, the other members of the Board should, after all means of settling the difficulty have been used in vain, declare his office vacant, and proceed to appoint one in his place, who will feel it to be his duty to carry out the expressed wishes of the Board and the people. Still, the Clerk may have good and valid reasons for such refusal, in which case, upon appeal to this Department, the matter will be decided. The Clerk has no right to question the qualifications of a teacher

chosen by the Board, as that question is considered settled if he has a certificate from the Town Superintendent. And if the Board agree as to the teacher, it becomes the duty of the Clerk of the Board to carry into effect their wishes. This arises from what has before been stated, that the Clerk acts in a double capacity—as a member of the Board, and as Clerk of the Board.

It is the duty of the Clerk to hire *qualified* teachers; but as a contract made by him without the consent of either the Director or Treasurer, or both, is not binding upon the district, it becomes necessary for the Clerk to consult with the other officers before the contract with the teacher is complete. If the officers would, on every occasion, consult with each other on all matters left to them by the district, or imposed upon them by law, there would be no occasion for any misconception of the views and feelings of each other; and it would be a preventative of the difficulties arising in school districts, that sometimes result in destroying the usefulness of the school, and prostrating the energies of the district.

The Clerk is not authorized to contract with any but *qualified* teachers, and if the Board would invariably insist that the applicant should produce the necessary certificate before the contract is made, it would also prevent much trouble; for a contract made with a teacher who is not qualfied, is not binding upon the district, and the District Board make themselves individually liable to pay the teacher. (For form of contract see No. 17).

The contract should be filed with the District Clerk, and a duplicate furnished to the teacher.

There is a diversity of opinion and practice in relation to the word "month" when applied to schools; but general usage has determined a school month to mean twenty-two days; allowing the teacher to close the school during the afternoon of each Saturday, or teach all day every other Saturday as may best suit the convenience of the scholars, if he wishes to count four weeks to the month. The custom quite generally prevails in cities and villages of teaching but five days in each week; and

it is the opinion of many of our best teachers that this custom had better prevail in the country, as whenever school is taught six days in the week,—especially in the summer,—children are allowed no whole day for recreation, and the time can still easily be computed at twenty-two days a month.

From long established and time-honored usage, schools may be closed, without loss of time to the teacher, on days which it is customary to observe as holidays, among which may be enumerated the Fourth of July, Christmas, New Year's, and the day set apart by the Executive as a day of thanksgiving. In such cases, it would be well for the teacher to consult the District Board, so that no difficulty can arise. Still, as above stated, custom has given this privilege to the teacher as a right.

The duties of the office of District Clerk and teacher of the school of the same district, are incompatible. The Clerk is the agent of the district, and one of the Board to employ a teacher; and while acting in that capacity cannot act as teacher, as he would have to enter into contract with himself, determine his own wages, and draw orders for the payment thereof, and do other things which are inconsistent, not to say illegal. If the District Clerk desires to teach the school of his district, he should resign, and have some one appointed to fill his place.

In all cases of conflict of opinion between officers, a special meeting should be called, and the matter laid before the people of the district, and their expressed will should be considered as binding the officers in their action. In hiring teachers especially, it is always advisable that the feelings of the people should be consulted.

(Sec. 28.) The District Board are required to provide the necessary appendages of the school house. Of their expenses in so doing they must keep an accurate account, and present the same for allowance at the annual meeting. This general power to furnish necessary appendages must not be construed to warrant the District Board in incurring more than the usual and ordinary expenses necessary to keep the school house in good repair, supplied with fuel and such appendages as are ordinarily

found in, and necessary to the usefulness of a school. A black board is considered an indispensable appendage to a school room, and may be provided by the District Board. All extraordinary expenditures should be authorized by a vote of the district, such as increasing the size of the school house, purchasing new furniture, &c. The Board being required by law to keep the school house in good repair, they are not warranted in renting a room for the school, if the district is possessed of a school house. School houses always need this supervision, and should be thoroughly cleaned and repaired every term, as want of order and neatness in the school house will tend to render the scholars reckless, and unmanageable. It is only right that the Teacher should be furnished with a respectable building, and not be condemned to teach when the necessary associations destroy all the good he can do. Out-houses properly hidden, two in number, and at some distance from each other, are indispensable appendages of a school house, and School Boards should immediately erect them, if wanting.

(Sec. 29.) All district meetings (except the first meeting), are called by posting four notices for six days. This notice must contain the time and place, and if for a Special Meeting, the business proposed to be acted on. In fixing the time, the hour of the day must be specified. If business not specified in the notice be transacted at a special meeting, it will be void, but it will not render the whole proceeding illegal.

(Sec. 30.) The Form for the Clerk's Report will be found among the Forms as No. 18. Clerks should be careful to fill all the blanks. If nothing is to be entered, place a cipher in the proper column to indicate that it is not left blank through carelessness. The census of scholars should be carefully taken, for the report is made the basis of the Apportionment. The wages of the teacher must in all cases include board, if this is contracted for separately. It is required that the Clerk report the average attendance of the scholars at school. The way to find this average, is to add together the number of days each scholar has attended school, and divide this sum by the whole

number of scholars; this will give the average number of days; divide this by 22 and it will give the average number of months. In reporting the financial statistics of the district, the Clerk will be obliged to call upon the Treasurer for a statement. This the Treasurer can always give at once if he has properly kept his books. The Clerk should report only the moneys actually received by the district, and the sums actually paid out by the Treasurer, and not the orders issued.

(SEC. 31.) The State Superintendent forwards the blanks for the District Clerks' Reports to the Town Superintendent, from whom they are to be obtained.

(SEC. 32.) All orders, to be legal, must be drawn by the Clerk and countersigned by the Director. The Treasurer cannot test the legality of such an order, as the order itself is a sufficient voucher for him.

(SEC. 33.) It is the duty of the Clerk to furnish a school register, at the expense of the District, for the use of the teacher, in which shall be entered the names, ages, studies, attendance and absence of all scholars attending school. As it is impossible for the Clerk to report to the Town Superintendent some of the facts required to be reported, unless this register is kept, it is important that the Clerk should furnish such register to the teacher, and his willful neglect or refusal to make the requisite entries will cause a forfeiture of wages. (See Form No. 20.) The State Superintendent never furnishes registers. They can be procured at almost any bookstore.

It is also necessary that the District Clerk should make immediate returns to the Town Superintendent, of all officers elected in their respective Districts, as soon after their election as possible.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

(SEC. 34.) On or before the fourth Monday of November in each year, the District Clerk is required to deliver to the Town Clerk a statement in writing, verified by his affidavit, showing the amount of taxes voted to be raised at the last preceding

annual meeting, and at the first meeting after the organization of the district, or both, as the case may require, together with a list of persons and corporations liable to a district tax. (See Form No. 20.) The District Clerk is not required to assess the tax, nor to describe the real or personal property of those liable to a tax, but only to return the names of persons and corporations so liable.

In making up a list of the corporations liable to tax, the Clerk will bear in mind that by the act of April 1st, 1854, railroads and plankroads are exempt from all but a State tax, and that only the real property of any bank or banking association can be taxed for school purposes. All other property is liable for school tax the same as for other taxes.

In case of a joint district, the Clerk will ascertain the proportion to be raised in each part of such district, and deliver a statement and list to the Town Clerk of each town in which any part of the district is situated. (See Form No. 21.) To enable him to furnish this statement, the Town Clerk of each town is required, on demand, to deliver a certified statement of the real and personal property of that part of the district lying within his town, to the District Clerk.

(Sec. 35.) The Town Clerk is required by law to deliver the tax roll to the collector on or before the second Monday of December, and if the District Clerk should neglect until that time to deliver the requisite statement to the Town Clerk, the tax cannot be collected until the following year. Upon delivery to him of such statement, the Town Clerk must give the District Clerk a certificate that he has received the same, stating the amount of the tax, and time when received, which must be filed in the office of the said District Clerk.

In all cases school district taxes must be assessed separately, and not aggregated with the Town school tax.

It is the duty of the Town Treasurer, to pay over the school taxes, as soon as collected, to the District Treasurers; and in case any taxes are returned to the county as delinquent, it is his duty to pay them over as soon as received. Nor can the Town

Treasurer use the school tax collected, to make up any deficiency in the State or county taxes. The law reads: "The Town Treasurer shall pay over the full amount of State tax, though it may occasion a deficiency in the town taxes." The school tax is not a town tax, and the law further authorizes the Town Treasurer to pay over the school tax even before the time for the payment of the State and county taxes, before it could be determined whether there was to be a deficiency or not. No Treasurer has any legal right to divert a dollar of the School Fund, or the school tax to any other use whatever. We have frequently answered this point, and upon no one point has more trouble arisen. The intent of the law is plain. It is not the part of justice to make the schools suffer for the neglect of a few who do not pay their taxes. The School Fund is mainly a gift from the General Government, and the State in its management is simply a trustee for a specific purpose, and so regarding it, has placed in its Constitution a positive prohibition against diverting it to its own use or profit, or indeed for any purpose whatever, save that for which it has been specially set apart—the Constitution expressly providing that the School Fund "shall be *exclusively* applied" to the purposes of education. The tax levied by the County Board is only a condition of receiving this School Fund gratuity and is in no proper sense a county or a town tax. It is a matter entirely separate, and should be so kept by all who have the management of it in any capacity.

In regard to taxes voted at a special meeting under section 12 of this law, the manner of collection is entirely different. In such a case the District Clerk issues the warrant directly to the District Treasurer, who makes his return to the District Board, and returns the delinquent tax list to the town clerk, by whom it shall be regularly entered in the next assessment roll of the Town. (See sections 66 to 77, Revised Statutes of 1849, quoted in this law between sections 36 and 37, for full instructions on this point.)

(Sec. 36.) Town Treasurers should be particular in return-

ing delinquent taxes, to specify particularly District taxes, so that when paid the district may receive their proper share.

The sections from the Revised Statutes of 1849, which are quoted between sections 36 and 37, apply only to taxes voted at a special meeting. The District Clerk assesses the tax upon the taxable property of the District according to the valuation in the last assessment roll of the town; and in case the property is not separately valued—part being in one district and part in another—the District Board have authority to estimate the valuation. In case of Joint Districts, the Superintendents of the towns, so in part embraced, equalize the assessment rolls of the towns, so that the valuation in each may be proportionate. The Treasurer must make his return of the warrant within forty days, unless the Clerk extends the warrant, which he may do for thirty days. The Treasurer must return, as delinquent, all unpaid taxes to the Town Clerk, and take his receipt therefor, which receipt and the tax collected, will in all cases equal the sum charged against him in the warrant. The Town Clerk will, in the next assessment roll of the town, enter such delinquent taxes in a separate column, and the Town Treasurer will proceed to collect the same or return them delinquent to the County Treasurer. If errors in the assessment are discovered, even after the tax is all paid, the District Board have power to refund the excess of tax collected. The District Clerk may renew the warrant thirty days, and again renew the same for thirty days with the consent of the Town Superintendent. The warrant must be renewed before it expires. Tenants may recover taxes which they have paid, of the owner of real estate, if no agreement to the contrary has been made.

DISTRICT BOARD.

(Sec. 38.) It is made the duty of the District Board to purchase or lease such a site for a school house as shall have been designated by the district, (See Form No. 22) and to build, hire, or purchase such school house out of the funds provided for that purpose. (See Form No. 23.) As these are import-

ant duties imposed upon the District Board, it is necessary that their authority to act in the premises should be clearly and distinctly shown upon the records of the district. And for this reason, it is absolutely necessary that all votes authorizing such a proceeding should be taken by ayes and noes, and entered at length upon the records.

When the District Board are required to execute a conveyance of a school house site, the same form of a deed may be used as in No. 22, except that the party of the second part becomes the party of the first part, and the signatures of the Board are to be made in the same manner as in the form given of a lease.

If the District Board remove a school house, buy a lot for a site, or do any other act which they are not by law authorized to do without a vote of the District, it is at their own peril. The voters of the district may ratify their proceedings at a subsequent meeting, but if they do not choose to do so, the District Board are without remedy.

The School Law is silent as to the manner of a District Board entering into contract for the building a school house; but as the Board are the special executive officers of the district, chosen to faithfully attend to its best interests, it is unquestionably their duty to procure such building to be done to the best advantage; and hence, it would always be most discreet to enter into such contract (after having given proper notice) with the person offering to do the work to the best advantage, and at the lowest rates, giving adequate bonds for the faithful performance of the work. Such a course would be the safest, and would prevent any trouble that might arise if a looser plan were adopted. There should be two copies of the contract made and signed, one to be kept by the contractor, and the other by the Board.

(Sec. 39.) The law provides that "the District Board shall have the care and keeping of the school house and other property belonging to the district," and the question arises as to the extent of the power conferred by this provision, and to what uses

the school house should be confined by the District Board. The general principle applicable to cases arising under this provision, is this: that it is the duty of the Board to exercise such general supervision over the care and management of the district school house, as that the instruction of the pupils in the school shall not be embarrassed by any use of the house other than for school purposes; and that the property of the district and the furniture, apparatus, books and papers belonging to the school, or the pupils, shall not be injured or destroyed. Any use of the house is subordination to these restrictions, and not inconsistent with the main purposes for which it was designed, must be left to the determination and pleasure of those to whom it belongs, whose wishes and directions, in this respect, the District Board are bound to carry out.

The school house is the property of the district, and subject to its control, within the limitations of the law. The purpose for which it was erected must be pursued, and nothing can be suffered to interfere with that. But when that purpose is accomplished, there is neither reason nor law for prohibiting its application to any object of social or moral improvement which a majority of the voters of the district may sanction. Upon this principle, and subject to the restrictions and limitations referred to, it may be used, out of school hours, and when not wanted for any district purposes, for lectures, debating societies, religious meetings, or any other moral, literary or useful purpose, with the approbation of a majority of the district. The District Board are responsible for any damage the school house may receive while being used, for purposes not authorized by the district, by their consent. The people of the district cannot control the school house, but the Board should consult their wishes.

(Sec. 40.) The Board can fill all vacancies in their number within ten days. Removal from the district vacates the office of the person so removing, and even a temporary removal, which interferes with a proper discharge of the duties of the office, should be deemed sufficient to create a vacancy. If the Treas-

urer forfeits his bond by any illegal act, and is convicted of embezzlement, his office becomes vacant. If the Director refuses to perform any act required, he forfeits ten dollars to be recovered before any Justice of the Peace. The Board may under certain circumstances declare the office of Clerk vacant for a determined refusal to carry out the will of the Board, but this power should be exercised only in extreme cases, and after all other means have failed. As the Clerk gives no Bond this course may be advisable to save the district from harm. The Governor has power to declare the office of all officers under bonds vacant whenever a judgment shall be obtained against such officer for a breach of the condition of his bond. For this proceeding against the Clerk there is ample precedent in the law. A Circuit Judge may remove the Clerk of the Court for official misconduct; the Board of Supervisors may remove a County Clerk for the same cause, because the refusal of the Clerk to perform his duties forcibly stops all business, and virtually creates a vacancy.

(Sec. 41.) The District Board are authorized to purchase, at the expense of the district, such school books as are necessary for the use of those children attending school whose parents or guardians are unable to furnish them. This duty should never be neglected by the Board, and they should promptly furnish books to such children, when informed by the teacher that they are in need of them.

(Sec. 42.) The law requires orthography, reading, writing, English grammar, geography and arithmetic, to be taught in every district school. The District Board may determine what other branches shall be taught. Among these branches thus left to the discretion of the Board are writing compositions and declamation; and the District Board have full power to prescribe these and other additional studies, under such rules as they see fit. There can be no objection to the study of the German language, or pursuing studies in German, provided the required studies are pursued in English; but in no case can German be exclusively substituted for English.

The only authority to determine what text books shall be used in schools is vested in the District Board, under the advice or recommendation of the State Superintendent. This power should be exercised in every district, and with the two-fold object of securing uniformity of text books, and the works of the best authors. The necessity of uniform text books is so apparent to every one, that it seems unnecessary to urge upon the District Board the important relation it bears to the success and efficiency of the school. There can be neither order, classification nor system, in a school without such uniformity, for it compels the teachers to divide the pupils into as many classes as there are kinds of books, so that the time that might have been devoted to a careful and deliberate hearing of a class of ten or twelve, where all could have improved by the teachings and corrections of the instructor, is almost wasted in the hurried recitations of as many pupils in separate classes; while in large schools some must be wholly neglected. The teacher will thus satisfy neither himself, his scholars, nor their parents. In case of a refusal on the part of parents to comply with all such suitable regulations of the District Board in furnishing their children with proper books, the law gives the Board power to exclude children from school until they do thus comply. The Board should be particularly careful to avoid frequent changes. This will be unnecessary if they use proper care in the selection of the best and most approved text books.

Recommendations have been made by this Department of suitable books to be adopted and used in schools; but as in many instances it is impossible to obtain them, let the District Board consult with the teacher and Town Superintendent, and any other persons informed and interested upon educational matters, and determine what suitable books can be obtained. When different books are already in use from those recommended by the Department, a sudden change might not be desirable; but as soon as the old supply is worn out, and sooner if the district will sanction it, let the proper change be made—for the profi-

ciency of the scholars will greatly depend upon having the best text books extant.

POWERS AND DUTIES OF THE DISTRICT BOARD.

The District Board have the power to divide their school into Departments, employing qualified teachers in all the Departments; or two or more districts may unite and form a Union School under the provisions of chapter cxxxviii, General Laws of 1858, as herewith published.

The District Board have no authority to levy a tax without a vote of the district.

The District Board can not discharge a teacher who has performed his duties according to contract, without incurring the liability on the part of the district, of paying the teacher for the whole time he contracted to teach. A teacher once hired should not be dismissed, except for imperative reasons, as it breaks up the regularity of the schools, and endangers the prosperity of the district, and it may not be possible to procure another teacher in time to meet the requirements of law, in maintaining a three months school, in order to share in the apportionment. Several cases have already come to the knowledge of this Department, in which districts will be deprived of their apportionment for this reason.

When any portion of the school money is applied to the payment of the wages of a teacher not duly qualified, or is otherwise illegally appropriated, the District Board making such unauthorized expenditure are personally liable to the district for the amount.

Although a scholar has a legal right to attend the school of the district in which he is a resident, his own conduct may deprive him of that right. If his behaviour is disorderly and uncontrollable, and he persists in a violation of the discipline and regulations of the school, after all legal and proper means have been exhausted on the part of the teacher to secure his reformation, the teacher should submit the facts to the District Board; and if their intercession proves unavailing, they should

expel him from school. For it is better that one should be expelled, than the usefulness of the school destroyed. A teacher has no authority to expel a scholar. A scholar who has been expelled can only be re-admitted on satisfactory evidence presented to the District Board of a determination on his part to comply with all reasonable regulations of the school.

The immediate government of the school must rest with the teacher; but his acts are all under the control of the District Board. In all cases, unless it is impossible so to do, the teacher should be sustained by the Board, as an interference on their part, except in his support, weakens his influence, and tends to destroy his authority, and a school without good government is of little use.

The District Board have authority to employ a teacher for three months without the direction of a vote of a district meeting.

In many school districts it is the practice of the District Board to engage a teacher with the understanding that he shall board with the parents of the children attending school proportionably to the number sent. There is no authority for such a contract, and it cannot be enforced on the inhabitants. If by mutual and general consent, such a course is sanctioned and adopted by the inhabitants of a district, it will have the effect to lighten the burden of taxation, and prove otherwise agreeable. If this is not done, there is no other way than to contract to pay the teacher a specified sum per month, or term, and let him board himself; and if the public money is insufficient to pay the teacher, the balance must be assessed and collected upon the taxable property of the district like other taxes.

The power to admit pupils from without the district rests entively with the Board. The first duty of the district officers is to meet the wants of the children within their own district, and if they see fit they can admit others. In no case can a tuition fee be collected from scholars from without the district—except for attendance on Union or High Schools.

In case pupils from without the district apply for admission

in the district school, the teacher should be consulted, as he contracts to teach the children of a particular district. If he refuses, it would be well for the Board to be governed by his wishes, as he can tell far better than they whether such additions will detract from his usefulness to the scholars of the district.

Every person over four and under twenty years of age has a legal right to attend the common school of the district in which he resides, free of charge; but has no legal right to attend the school of any other district, and the District Board of any district have a right to exclude from their school children not residing therein; *Provided*, no directions to the contrary have been given by a meeting of the district. Such officers may permit children residing in another district to attend their school; but this should never be done if opposed by a majority of the voters, or if it will in any way tend to discommode the scholars who have a legal right there.

The object of the District Board should be, in the first place, to secure, as far as possible, every advantage and facility to the children of their own district for partaking of the benefits of the school. When this is done, scholars from adjoining districts may be admitted if such admission will not operate to the injury of their own. If children from other districts are admitted, it should be without charge for tuition, as its collection cannot be enforced.

The residence of children, as a general rule, follows that of their parents or guardians. The fact that a scholar goes from one district into another to reside, for the sole purpose of attending school, does not constitute such a residence as to give him a legal right to attend the school.

Children under four years of age should never be permitted to attend district schools; and the District Board should never object to the admission of persons over twenty years of age to the school of the district in which such persons reside, unless their attendance will prevent the attendance or proper instruction of those of legal age.

The teacher of a school has necessarily the government of it; and he may prescribe the rules and principles on which such government will be conducted. The District Board should not interfere with the discipline of the school except on complaint of misconduct on the part of the teacher; and they should then, invariably sustain the teacher, unless his conduct has been grossly wrong, lest they do greater injury than has already been done. The teacher should at all times consult with the Board, and as far as possible follow their advice and direction in all matters of discipline.

The law does not prescribe what punishment may be inflicted by a teacher in the government of a school; and the practice of inflicting corporal punishment has no sanction but usage. The teacher is responsible for the maintenance of good order, for without order there can be no proficiency in the school; and he must be the judge of the degree and nature of the punishment required, as circumstances arise, always acting dispassionately, and with an earnest desire to do that which will most advance the interest of the school, and the reformation of the offender. But the teacher is liable to the party injured for any *abuse* of a prerogative that is wholly derived from custom. It would always be advisable for teachers, as far as possible, to avoid corporal punishment, as tending to debase and harden the minds and feelings of the scholars. If such punishment is ever inflicted, let the offender be punished in private, and not make his disgrace a public spectacle; and by thus showing respect for the finer feelings of our common human nature, much would be done towards removing the occasions in which corporal punishment would ever seem necessary.

When a person enters into a contract with a district as teacher, he engages to teach the school seven hours, including the usual intermissions, each day, and no longer, unless particularly specified in the contract; and his authority over the scholars extends only to the school house and play-grounds. For he might, with the same propriety, be expected to *teach* the scholars beyond the usual time, each day, as that he should *govern* them

beyond that time, while coming to and going from school. It is customary with teachers to make the conduct of their scholars, at all times, a subject of inquiry and advice, having a pride in observing proper deportment on their part, on all occasions; but they have no authority, nor can they be required to examine into their conduct out of school hours, and beyond the grounds of the school house.

School money can be applied only to the benefit of such schools as are established by the District Board in pursuance of law. A select school established and supported by the patrons thereof, and for their sole benefit, is not a common school within the meaning of the law, and is not entitled to public money. To receive aid from the State, the school must be free to all children between four and twenty years of age, and must be under the supervision and control of the legally appointed school officers. No tuition fee can be charged.

TOWN SUPERINTENDENT.

(Sec. 44.) In case the Town Superintendent fails to give the proper bond, the Board of Supervisors can make a temporary appointment. Special town meetings may be called by the Town Clerk upon the request of twelve qualified voters, for the purpose of choosing officers to fill any vacancies that may occur.

(Sec. 45.) It is the duty of the Town Superintendent to divide the town into a proper number of districts. It is not necessary that he should wait for a petition from the inhabitants, although he should endeavor as far as possible to consult the wishes of all interested. In altering districts, every direction of the law must be strictly obeyed. The description and number of each school district must be filed with the Town Clerk, and by him entered in a book kept for that purpose. A map of the town showing the boundaries of the districts should also be filed with the Town Clerk. The Town Superintendent should be particular on this point, as the records constitute the legal proof of the organization and limits of the districts.

In regard to the payment of school taxes, the meaning of the

law is plain. No monies raised and collected in any town for school purposes, should be paid to the County Treasurer, but be retained by the Town Treasurer, and paid by him to the Town Superintendent on application. The School tax levied upon towns by the County Board, is not a county tax. The State makes the county its agent to distribute the School Fund, and hence requires the county to see that the requirements of law, in relation to the tax levied upon the towns, are complied with; but this power to superintend the tax levy, does not make the tax a county tax; so that the taxes levied upon towns by the county board, are not to be paid to the County Treasurer, but to the Town Superintendent; otherwise there would be a per centage taken twice—once by the Town Treasurer and once by the County Treasurer.

Moneys received from the County Treasurer, and the proceeds of the tax levied, for school purposes, by the County Board, are to be apportioned per scholar, but taxes levied by towns for school purposes, are to be distributed according to the assessment roll, so that each district may receive what it has paid, unless the town, at the meeting voting the tax, shall have voted to apportion the tax per scholar.

It is also the duty of the Town Superintendent to see that the reports of the district clerks are made. He cannot correct the reports, but he can see that they are correctly made. A little attention to the reports of the Clerks at the time they are made, will enable him to submit a complete report to the Clerk of the Board of Supervisors. District Clerks and Town Superintendents are particularly and urgently requested to make full and accurate reports upon each subject upon which information is asked.

It is the duty of the Town Superintendent, between the fifteenth and twenty-fifth of September, in each year, to make and transmit to the Clerk of the Board of Supervisors in his county, a report in writing, bearing date on the fifteenth of September, of the year of its transmission. Such report must be made upon all the particulars specified in said section and the twenty-

third library regulation, with some additional ones, which will be found in Form No. 25, according to which the report must be made.

APPORTIONMENT OF SCHOOL MONEY.

(SEC. 47.) Town Superintendents must be governed by the reports of the District Clerks, in apportioning school moneys; but a mere clerical error may be corrected after such reports have been made to the Town Superintendent, and before he makes his return to the Clerk of the Board of Supervisors. He can not try the truth of the Clerk's certificate; if willfully false, the law prescribes the penalty.

In case of a joint school district, the Town Superintendent of each town, in which any part of such district is situated, will apportion school moneys to such district according to the number of children reported to him as residing in that part of the district lying in his town, without regard to the amount raised in the other towns for school purposes.

The Town Superintendent can not legally apportion any school money to a district in which a common school was not taught by a qualified teacher for three months during the year ending on the 31st day of August last previous to such apportionment, which is a Constitutional requirement; but in determining this, he must be guided by the reports of the District Clerks, as he cannot go back of their reports, even if he knows them to be willfully false. In such a case, it his duty to prosecute the offender, and if he does not, he renders himself liable to a penalty.

A district which is not entitled to an apportionment of school money cannot receive library money, notwithstanding it may have complied with the laws and regulations concerning district libraries.

The law provides that the Town Superintendent shall not apportion school money to a district which has not expended, for the payment of teachers' wages, all school moneys received from the School Fund (*i. e.* money received from the State) during the year ending at the date of the last previous annual report.

This is to be understood with some qualifications, and vests in the Town Superintendent the exercise of a sound discretion. It is the intention of the Constitution and Laws of the State to grant aid to every district for the support of common schools, where all the children of the district may receive instruction, and participate in the benefits of our free school system. But this aid is granted upon the condition that a common school shall be maintained at least three months in each year, and that the money previously received by the district has been expended as the law above cited requires. This provision of law is directory as to the manner of expending public money, and not as to the time of expending the same.

The object of this provision is to prevent the use of money received from the School Fund for any *other purpose* than the payment of teachers' wages, and not that every cent of such money shall be expended by a particular day. Should there be a small surplus in the District Treasury at the date of the Annual Report, or a larger sum that, by vote of the district, had been set apart for the payment of the wages of the teacher of the then approaching winter school, there is no good reason why the Town Superintendent should withhold an apportionment from such district, as it is acting in good faith with the State, and has in spirit complied with the law. But the Town Superintendent must not suffer money derived from the School Fund to accumulate in the treasury of a School District; and he can not apportion money to a district that has used any portion of such money for other purposes than the payment of teachers' wages.

As different constructions have been given to the words, "school moneys received from the School Fund," as applied to School Districts, it may be proper to state, that they mean that portion of the school money of each district received by apportionment from the Town Superintendent, which is derived from the income of the School Fund annually apportioned by the State Superintendent to the several towns and cities of the State.

The Town Superintendent is not authorized to apportion

money to a district, where any other officer than the District Clerk made and signed the Annual Report, as there is no responsibility or penalty incurred for false statements in a report made by any other than the District Clerk.

The apportionment is based entirely upon the reports of the Town Superintendents, and consequently, if a district does not make its report, it is left out of the apportionment, and cannot be entitled to any share in the apportionment.

In case the District Board divide the school into different departments, all public money must be paid to qualified teachers. Any arrangement by which all the money is paid to the principal, and part paid by him to the assistants not properly qualified, would be a palpable evasion of the law, and would cause the district to lose its apportionment.

(Sec. 53.) The Town Superintendent is entitled to one dollar and fifty cents per day for every day actually and necessarily devoted by him to the discharge of his duties as such officer. This provides for time spent in examining Teachers, visiting schools, making reports, forming or altering school districts, and the performance of all other duties required of him by law.

He can not receive fees under any circumstances. His account for services must be presented to the Town Board, and paid out of the town treasury, and *not* from the money raised by the town for school purposes.

(Sec. 54.) Whenever a school district is divided and a new district formed, after the annual report of the District Clerk has been made, and before the apportionment of school moneys by the Town Superintendent, he shall apportion to such districts according to the number of children in each over the age of four and under the age of twenty years, according to the last report. If the number of children are equal in the two districts, divide the money equally; but if not, divide at the same rate per scholar. The reason of this provision is plain: It is that the children reported may draw the money in the district in which they are at the time of apportionment. The Town Superintendent should be guided by the Report of the District Clerk,

and not by the number in the district at the time of the division.

The Town Superintendents are directed by the State Superintendent to report to this Department, within ten days after their election, their names and post-office address. If they fail to do this, the State Superintendent will be unable to supply them with the necessary blanks for their reports, or to correspond with them upon official business. All will, therefore, see the great importance of prompt compliance with this requirement.

It is true, the *letter* of the law is silent with reference to a Town Superintendent teaching in his own town, yet the *spirit* of the School Code is sufficiently explicit on this point—that he is selected to watch over and visit the schools of his town, and see that the teachers are doing their duty and properly conducting their schools, and to attempt himself to teach is not what he was chosen to do; to examine and qualify others; to annul certificates for unworthiness and improper conduct, which no man would be likely to do against himself, if a teacher. In fine, it is his sworn and sacred duty to stand as the guardian of the district of his charge, and see that they have none but properly qualified teachers, and not seeking or permitting himself to teach, thus depriving the people of that guardian care they repose in him, so necessary to secure the greatest good to the rising generation. In a matter of this importance, even "the appearance of evil" should be scrupulously avoided. In cases where it becomes necessary for him to teach, the law provides that he may procure a certificate from the Superintendent of an adjoining town.

EXAMINATION OF TEACHERS, AND ANNULLING CERTIFICATES.

(SEC. 56.) The Town Superintendent is required by law, to examine all candidates for teaching, in regard to moral character, learning and ability; and if found qualified, he shall deliver to such person a certificate in the form prescribed by the State Superintendent. (See Form No. 26.)

The Town Superintendent may, if he shall think proper, limit the certificate to a single district, but it must remain in

force for one year, unless annulled. But if the candidate is found deficient in either of these three important requisites, a certificate should be refused. The law contemplates a formal examination of the qualifications of candidates, which should be extended to all the branches required to be taught in common schools, and to the method of instruction.

The duties and power thus confided to the Town Superintendent are most important and involve great responsibility, and upon their proper fulfillment, in a great degree, depend the elevation and improvement of the district schools. He should discharge his duties in this as in all other respects, without "fear, favor, affection or hope of reward," with no other object in view than the best interests of the schools under his supervision.

In all cases teachers must be examined in English, and in regard to their qualifications to teach in English, as the law expressly requires it; and it is not a compliance with the law that they are qualified to teach in any other language. Any Town Superintendent who shall issue a certificate to any person not competent to teach in the English language the branches required by law, will render himself liable.

(Sec. 57.) If complaints are made against a teacher, by any person concerned, to the Town Superintendent, it is his duty to inquire into the cause of such complaints. If it is his intention to annul the certificate of such teacher, he must give ten days notice in writing to the teacher and to the District Board, of such intention; and should state in such notice the complaint or charges made. A day for hearing the charges made against the teacher should be appointed by the Town Superintendent, if desired by either the teacher or the District Board, which will afford a fair opportunity of arriving at the truth of the allegations. If the complaint is that he has not sufficient qualifications, he should have an opportunity for a re-examination; if on account of his mode of instruction or school government, the Superintendent should visit the school and ascertain the truth. But in no case should the Town Superintendent exercise this

power in an arbitrary manner, nor unless he is satisfied of the truth of the charges preferred, or of his incompetency to teach the school. For form of note annulling teacher's certificate, see No. 27.

If complaints are made against a teacher, it is not optional with the Town Superintendent whether he will examine into the case or not. He must appoint a day, and give the case a full and impartial hearing, and decide it upon its merits. His decision may be appealed from to this Department.

It is not required of a Town Superintendent to advertise at what time and place he will be present to examine applicants for teachers' certificates, though such a course in many towns may be desirable. He is simply required to examine those who apply to him for a certificate.

Certificates of the qualification of teachers should bear date on the day of examination, and cannot be *ante* dated. All certificates remain in force for one year, unless sooner annulled.

(Sec. 58.) The annulling of a certificate annuls the teacher's contract from the date the notice of annullment is filed.

(Sec. 59.) The Town Superintendent may require a teacher to be re-examined at any time. He need not wait until complaints are preferred.

INSPECTION OF SCHOOLS.

(Secs. 60 and 61.) It is the duty of the Town Superintendent to visit all common schools within his town. He should visit each school at least twice each term, or oftener, if circumstances require, and should advise with the teachers, officers and others upon all matters pertaining to the school, or the affairs of the district. All teachers will bear witness of the happy influence of frequent visitation of schools, not only by school officers, but by parents, and all persons who have children in the school room under their guardianship. "The teachers and scholars feel that they are not abandoned to neglect; the apprehension of discredit will stimulate them to the greatest effort; while the friendly suggestions of the visitors will tend constantly to the improvement of the schools, and they will themselves be

more and more enabled to recommend proper measures from their better acquaintance with the subject."

ALTERATION OF SCHOOL DISTRICTS.

(SEC. 62.) The State Superintendent cannot form or alter districts. Whenever the Town Superintendent contemplates any alteration in the boundaries of a School District, he shall give five days notice to the Clerk of each district to be affected thereby, of the time and place he will be present to decide upon such proposed alteration. (See Form No. 28.) The District Clerk will immediately notify the other members of the Board, which may be done by giving them a copy of the notice served upon him. This notice must specify, not only the time and place when and where the Town Superintendent will be present to decide upon the proposed alteration, but also must particularly specify the alteration proposed. The District Board may apply to the Chairman of the Town Board of Supervisors and Town Clerk, to be associated with the Town Superintendent; and when such Board is constituted, it requires a majority to make any change in the boundaries of the district; and in case of a joint district, the District Board may call in the town officers, above named, of each town of which the joint district forms a part, and it will require a majority of the Board so constituted to alter the limits of any joint school district. It is entirely optional with the District Board whether they will thus apply to the town officers or not. In case of a joint district, if the town officers of one town are called in, those of both must be, except, by mutual consent, some other course is decided upon. No appeal can be taken from the decision of the Town Superintendent to the Board above referred to.

SEC. 63.) In all cases of alteration of the boundaries of a school district, whether with or without the consent of the District Board, it is the duty of the Town Superintendent to immediately notify the Town Clerk, and the Clerk of each district affected by such alteration. If the District Board consent, notice may be given to the district by filing a copy of the order altering the district, with such consent endorsed thereon, with

the District Clerk. If they refuse their consent, notice may be given according to Form No. 29. When the consent of the District Board is given, the alteration takes effect from the time of filing the notice with the District Clerk, unless otherwise specified in the order.

If the District Board refuse their consent, the alteration will not take effect until three months after the filing of such notice. (See Form No. 29.)

Notice may be given to the Town Clerk by delivering to him the order making the alteration, and also stating when such order will take effect. A *conditional* consent cannot be received from a District Board; it must be given without any express or implied condition, and to the specific alteration made in the order. For Form of order altering boundaries of a district, and consent of District Board, see No. 31. Alterations in the boundaries of a joint district must be made with the concurrence of the Town Superintendent of each town in which any part of the district is situated, and notice thereof must be given to the Clerk of each such town.

Alterations of the boundaries of school districts may be made between the first day of December and the first of April, to take effect on or subsequent to the first of April. It is, however, advisable, as a general rule, that new districts should be formed and the boundaries of organized districts changed, only when such formation or change is required to take effect at once.

Whenever any alteration of the boundaries of a school district is made without the consent of the District Board, and the three months, after notice given to such Board, shall expire between the first day of December and the first day of April following, such alteration will not take effect until the said first day of April.

If a district ceases to elect officers and neglects to maintain a school, it virtually loses its organization, although perhaps not strictly. In such a case it would be the duty of the Town Superintendent to annex their territory to districts in which schools are maintained.

DIVISION OF PROPERTY.

(SEC. 64.) Whenever a new district is formed wholly or partially from the territory of a district possessing a school house or other property, it is the duty of the Town Superintendent at the time such formation takes effect, to ascertain and determine what proportion of the value of such property the new district is entitled to. The amount must be ascertained by first determining the real condition of the district at the time of the division, by adding to the value of the school house the value of all other property, including the school house site, library, apparatus and money in the treasury; and from the aggregate deduct the amount of all debts due from such district.

The law only provides for the division of the property of a district in cases where a *new* district is formed from one or more districts possessed of a school house and other property, &c.; and the proportion of the value of such property to which the new district is entitled should be ascertained and awarded at the time of making the order forming the new district. The neglect of the Town Superintendent to make such award does not extinguish the claim of the new district upon the old, for its just proportion of the value of such property.

(SEC. 65.) The new district is entitled to such proportion of that balance as the taxable property set off from the old district bears to the whole amount of taxable property before the division. For instance, if the old district contained $8,000 of taxable property, and $2,000 was set into the new district, such new district is entitled to one fourth of the value of the property retained by the old district. Any debt incurred before the division, but not yet due, must be deducted before the property is divided.

(SEC. 66.) Having determined the amount to which the new district is entitled, the Town Superintendent must make an order (see Form No. 32) directed to the District Board of the district, retaining the school house, &c., requiring such district to levy and collect the amount awarded to the new district, and pay the same to the Treasurer thereof.

The money thus obtained by the new district must be expended for building or purchasing a school house, and for no other purpose whatever.

In settling the division of property between districts, the District Boards cannot call in the town officers to act with the Town Superintendent, as the law puts this responsibility upon him alone.

If the District Board refuse to give their consent to the alteration, thereby postponing, for the term of three months, the time when the alteration will take effect, the award should be made at the time such order takes effect, and based upon the property owned by the district at that time.

JOINT DISTRICTS.

(Sec. 67.) Joint school districts are those that are composed of parts of two or more towns, and they can only be formed and subsequently altered by the joint action of the Town Superintendents of each of the towns in which such districts are situated, except when by the alteration of town lines, such town lines run through the district, when it becomes a joint district by operation of law.

Joint districts may be formed from parts of different counties, but never should be, except in cases of urgent necessity. Nor should joint districts *ever* be formed when it can possibly be avoided. Nine-tenths of all the difficulties in regard to the management of school districts, arise from joint districts.

All parts of a joint district should have the same number, or be numbered alike, and that number should differ from that of any whole district in either of the towns out of which such district is formed.

Whenever, by a change in the boundaries of a town, the town line passes through a school district, such district becomes a joint district by operation of law, but as the joint action of two Superintendents did not create it, each Superintendent may immediately redistrict his own territory, but unless this is immediately done, such districts will become joint districts by suffer-

ance and can only be altered in the same manner as districts that were originally formed as joint districts.

A joint school district, in all cases, except in its formation and alteration, is within the jurisdiction and under the supervision of the Town Superintendent of the town in which the school house of such district is situated.

The clerk of a joint school district must report to each Town Superintendent the number of children resident in each town, and not report the whole number in the district to either. The other parts of the report may be in duplicate.

(SEC. 68.) We have heretofore given full directions for taking appeals. The decision of the State Superintendent is final and conclusive, and no further appeal to any court can be made. The proper way to enforce the decision of the State Superintendent is by writ of mandamus.

The decision of a case upon appeal by the State Superintendent in regard to the limits of a district, does not fix the limits of a district so that they can never be altered. The decision of an appeal decides the case only upon the facts as presented. Upon a different state of facts, or upon a change in the town, upon an increase of population, or for any other sufficient reason, the Town Superintendent can, in his discretion, alter the limits of a district. A decision of the State Superintendent is not so conclusive and final as to forever prevent the proper authorities from altering their districts. It is final and conclusive so far as the case under consideration goes, and no farther. In all cases the decision of the Town Superintendent is operative until reversed.

VALUATION AND EQUALIZATION OF PROPERTY.

(SEC. 69.) School taxes are assessed upon the same property as taxes for town and county purposes.

(SEC. 70.) Whenever a tract of land has been assessed as a whole, or an aggregate valuation has been placed upon the entire tract, and such land lies in different school districts, section seventy authorizes the Town Clerk to estimate the value of these

different parts lying in different districts, for the purpose of school district taxation.

(Sec. 71.) As the assessments of adjoining towns frequently differ in the relative valuation of property, causing unequal taxation in joint school districts, the Superintendents of the towns in part embraced by a joint district, are authorized, upon application of any three tax payers of the district, to determine the relative proportion of taxes to be assessed upon the *real estate* of the parts of such district. They shall certify their determination to the Town Clerk, who is required to assess the school tax of such district for that year, according to such determination, if received in time.

TOWN CLERK AND CLERK OF THE BOARD.

(Sec. 72.) The Town Clerk is the clerk also of the Town Superintendent, recording all his reports, orders, decisions &c. He is required to file a map of the town showing all the districts, and record in a book kept for that purpose, written descriptions of all districts in the town, and of all the alterations made by the Town Superintendent. It is also his duty to keep all books, papers, &c. belonging to the office of Town Superintendent. It is made his duty to assess district taxes, (section 35) in a separate column. (See Notes upon the sections of the law of 1849, for further instructions upon this point.)

(Sec. 73.) It is the duty of the Clerk of the Board to preserve the Reports of Town Superintendents, and to preserve a copy of the certificate of apportionment sent him by the State Superintendent, as a guide for levying the School tax, required by law, upon each town.

(Sec. 74.) The Clerk of the County Board of Supervisors is required, on or before the tenth day of October in each year, to transmit to the State Superintendent a report in writing, setting forth the whole number of towns in his county, distinguishing those from which the required reports have been received from the Town Superintendents, and containing an

abstract of their reports. The Clerk of the County Board of Supervisors is requested to report upon some additional particulars, not reported upon by the Town Superintendents, all of which will be made according to Form No. 33.

(SEC. 75.) He is also required to deliver to the County Treasurer, on or before the tenth of October, in each year, a written statement of the whole number of children over the age of four and under the age of twenty years, residing in each town, as shown by the reports of the Town Superintendents.

The attention of the Clerk of the County Board of Supervisors is directed to the provisions of Sections 28, 60 and 61, Chapter 13, and also to Sections 53 and 54, Chapter 18, Revised Statutes, 1858.

As no portion of the income of the School Fund can be apportioned to any town or city, unless such town or city has raised for school purposes, a sum of money, equal to one-half the amount received from the State at the last previous apportionment, the law makes it the duty of the County Board of Supervisors, to estimate and determine, at their annual meeting, in each year, the amount to be raised *in each town and city* for school purposes. It is not sufficient that the aggregate directed to be raised in the county is equal to one-half the amount received by the county at the last apportionment; but it must appear from the certified statement of the Clerk of the Board of Supervisors made to the State Superintendent that *each town and city* has been directed to raise an amount equal to one-half that received the March previous, or school money cannot be apportioned to such towns and cities, under the provisions of the Constitution.

A neglect to return to this Department by the time specified, the County School Tax levied, and to make his Annual Report, renders the Clerk of the County Board liable for the full amount with interest, which each town shall lose by such neglect and refusal.

It has in a few instances been permitted, by special legislation, that when the County Board has neglected to levy the

proper school tax, the towns were authorized to do so, and the Town Clerks directed to certify such assessment to the State Superintendent, who was then authorized to apportion to such towns. There is no law now existing, warranting such a course of procedure, and it cannot be sanctioned by this Department.

LIBRARIES AND LIBRARY FUND.

(SEC. 76.) This section is repealed by chapter CCX General Laws 1859, published immediately before these notes. See also the notes upon this law.

REGULATIONS EMBODIED IN THE LAW.

1. The State Superintendent shall prescribe rules and regulations for the management of school district libraries, and the penalties for their violation.

2. Any school district failing to comply with the library regulations, or to expend all the library money according to law, before the first day of September after it is received, forfeits the succeeding appointment.

3. Any resident of a school district, and the parents and guardians of all the children therein, between the ages of four and twenty years, shall be permitted to use books from the school district library of said district without charge.

4. Any school district may raise by tax, annually, the sum of thirty dollars for a district library, and such sum as is necessary for the purchase of a book-case.

5. The district meeting may elect a Librarian; otherwise the Clerk of the district shall be the Librarian.

6. All fines incurred by violation of the library regulations shall be sued for and collected in the name of the District Board, and in case of Joint Libraries, by the Boards of the districts whose Libraries are joined, and applied for the benefit of the library.

7. Any two or more adjoining districts may, with the consent of the Town Superintendent, unite their means and form a joint library, which shall be deemed vested in the District Boards of the districts so uniting their libraries; and the Libra-

rian shall be appointed by such District Boards. The division of a joint library, when desired, shall be made by the Directors of the districts concerned in it, or in case they cannot agree, by the Town Superintendent.

REGULATIONS BY THE STATE SUPERINTENDENT.

8. The District Librarian shall have charge of the library, and keep a catalogue of all the books in the library under his care, in a book to be provided by the district for that purpose.

9. Every volume in the library shall have pasted on the inside of the cover a printed paper, specifying the name of the district; the number of the volume; the fine for not returning them within the specified time, and for loss of or injury to the books. Blanks for this purpose will be furnished to the Districts upon application to this Department.

10. Every volume loaned shall be entered by the Librarian in a book, to be provided by the district for that purpose, by its number, with the day on which it was loaned; the name of the borrower, and the name of the person to whom it is charged, (see Regulation 12;) the date when returned, and condition of the book; the fine assessed for detention or injury done to the book, in the following form:

Time of delivery.	No. of book.	To whom delivered.	To whom charged.	When returned	Condition of book.	Fine for detention.	Fine for injury.
1859 June 10.	44	Jno. Ward.	W. Green.	June 24.	Good.		

11. No person shall be allowed to have more than one volume at a time, or retain the same longer than two weeks; nor shall any person, who has incurred a fine imposed by these regulations, receive a book while such fine remains unpaid.

12. Books may be loaned to minors and charged to their parents, guardians, or the person with whom they reside, who shall be responsible for the books under these regulations.

13. On the election of a Librarian, his predecessor shall, within ten days thereafter, deliver to him all the printed and

manuscript books, pamphlets, papers, cases, and all other property belonging to the library which was in his custody, for which the Librarian shall give him a full receipt, discharging him from all responsibility therefor, except in the case herein provided; and on receiving the library property, the Librarian shall carefully examine all books, etc., and if any loss or injury shall have been sustained, for which a fine has not been imposed by his predecessor, or for which a fine has been imposed and not certified by him to the Treasurer, the Librarian shall certify the amount thereof to the Treasurer, who shall collect the same of such predecessor in the same manner as other fines are collected.

14. In case of a vacancy in the office of Librarian, the District Clerk shall perform the duties of Librarian, until the vacancy is filled.

15. If any person having held the office of Librarian shall neglect or refuse to deliver to his successor all the library property, as prescribed in the thirteenth regulation, the director shall forthwith commence an action in the name of the District Board, for the recovery of the property he shall so neglect or refuse to deliver.

16. On the return of every book to the library, the Librarian shall examine it carefully, to ascertain what injury, if any, has been sustained by it, and shall charge the amount of fine accordingly; and in every case of injury not specified in these regulations, he shall assess the amount of damages to be paid, subject to revision by the District Board.

17. The following fines are established by the State Superintendent, viz:

1st. For detaining a book beyond two weeks, five cents per week.

2nd. For the loss of a volume, the cost of the book; and if one of a set, an amount sufficient to replace it, or to purchase a new set.

3rd. For a leaf of the context torn out and lost, or so soiled as to render it illegible, the cost of the book.

4th. For any other injury beyond ordinary wear, an amount

proportionate to the injury, to be estimated by the Librarian.

5th. Whenever any book shall not be returned within six weeks from the time it was loaned, it shall be deemed to be lost, and the person so detaining it, shall be charged with its cost in addition to the weekly fine for detaining the book, up to the time such charge is made. But if the book is finally returned, the charge for loss shall be remitted; and the fine for not returning the same be levied up to the time of such return; *Provided*, that in no case shall the amount of weekly fines exceed double the cost of the book.

18. On the third Monday of August, November, February and May, and also immediately before he vacates his office, the Librarian shall report to the District Treasurer the names of every person liable for fines, and the amount each such person is liable to pay; and the Treasurer shall give the Librarian a certificate of the same, and immediately proceed to collect the same, and if not paid, shall so certify to the Director, who shall forthwith bring an action in the name of the District Board for the recovery thereof.

19. All library fines shall be paid to the District Treasurer, who shall keep account of the same, and shall report thereon to the annual district meeting, giving the name of each individual fined, the amount of the fine, and the sum total of all fines, which report shall be recorded by the Clerk; and the District Treasurer shall be responsible for all fines not collected through his neglect.

20. On the first day of September in each year, the Librarian shall report to the District Clerk, as follows :

1st. The number of volumes in the library;

2d. The number of volumes purchased during the year;

3d. The number of volumes presented during the year;

4th. The number of volumes loaned during the year [*counting each volume one for each time it is loaned*];

5th. Amount of fines collected;

6th. Amount of fines expended;

7th. Amount of fines remaining unexpended.

21. The District Clerk in his annual report to the Town Superintendent, shall state—

1st. The number of volumes in the library;

2d. The number of volumes purchased during the year;

3d. The number of volumes presented during the year;

4th. The number of volumes loaned during the year;

5th. Amount of library money received from Town Superintendent;

6th. Amount of library money raised by tax in district;

7th. Amount expended in purchasing books;

8th. Amount remaining unexpended;

9th. Amount of library fines collected;

10th. Amount of fines expended;

11th. Amount of fines unexpended, and also certify whether the library regulations have been complied with.

22. The Town Superintendent in his annual report to the Clerk of the County Board of Supervisors, and the Clerk of the County Board of Supervisors in his annual report to the State Superintendent, shall, in addition to what is already required, report the following facts for the town and county, respectively:

1st. The number of district libraries;

2d. Numbers of joint libraries;

3d. Number of volumes in all the libraries;

4th. Number of volumes purchased during the year;

5th. Number of volumes presented during the year;

6th. Number of volumes loaned during the year;

7th. Amount of library money received from the town;

8th. Amount of public money expended for libraries;

9th. Amount of money raised by tax and expended for libraries;

10th. Amount of fines collected;

11th. Amount of fines expended;

12th. Amount of fines remaining unexpended.

23. The library fines collected must first be applied to the replacing of lost volumes, binding pamphlets, and the Journal of Education, and rebinding such books as may require it.

24. By reference to the latter clause of Section 102, of the foregoing School Law, it will be seen that it is made the duty of the District Clerk to preserve the copies of the *Journal of Education*, in order to have them bound for the use of the Library; and until they are thus bound, the Clerk must preserve the copies and not suffer them to be taken from his possession, except for consultation by the District officers.

25. These regulations shall apply equally to joint libraries; and when a joint library is formed, the district boards, having the control of the same, shall appoint one of the Treasurers of their respective districts Treasurer of the library, who shall collect all fines levied by the Librarian; and in case the District Boards can not agree as to which of the Treasurers shall be Treasurer of the library, then the Treasurer of the district in which the library is situated shall perform the duties of the office.

26. The Librarian and Treasurer of every joint library shall report all matters specified to be reported by them in these regulations, directly to the Town Superintendent, and shall furnish the Board of each district concerned in the library with copies of such reports, which shall be recorded by the Clerks, and laid before the annual district meetings; and no Clerk of a district concerned in a joint library shall be required to report on library matters herein specified to the Town Superintendent, except with regard to the receipt and expenditure of library moneys; but he shall certify that the library regulations have been observed, or otherwise, as the case may be.

27. In case of a joint district, the Clerk shall report all matters connected with the library to the Town Superintendent of the town in which the library is situated, with the exception of the receipt and expenditure of library moneys, which shall be reported to each Town Superintendent from whom such moneys have been received; and a certificate of compliance with the library regulations shall be made to each such Town Superintendent.

28. In case of a joint library, the proprietary districts of

which lie in two or more towns, the Treasurer and Librarian shall report as required by the twenty-sixth regulation to the Town Superintendent of the town in which the library is located.

29. No person holding the office of District Treasurer shall be eligible to the office of Librarian.

30. On the resignation of the Librarian of a joint library, the District Boards shall immediately appoint another Librarian, who shall enter upon the duties of his office forthwith.

NEW SCHOOL LIBRARY LAW.

The new School Library Law, recently enacted by our State Legislature, has four prominent provisions, namely:

1. It provides a permanent Town School Library Fund, by setting apart for this purpose ten per cent. of the School Fund Income, subject to apportionment in 1860, and annually thereafter, together with the proceeds of a special State tax, to be levied each year, of one-tenth of one mill on the dollar valuation of taxable property.

2. It provides that this Fund shall be set apart specifically, for establishing and replenishing *Town* School Libraries.

3. It provides that the books for these Libraries shall be purchased by public authority, and not by the local School Boards as heretofore.

4. It provides that an extra number of the State Laws, Journals and Documents, sufficient to supply each Town and City School Library with a set, shall be printed by the State Printer, and delivered to the State Superintendent, and these shall be substantially bound, under the direction of the State Superintendent, with the approval of the Governor, at a cost not exceeding thirty cents per volume, to be paid out of the School Library Fund.

The precise manner in which the books shall be purchased and distributed, except that they shall be purchased "by public authority," and "distributed in some just proportion among the towns and cities of the State," is not specified in the act. As the means for the first purchase, can not, from the terms of the law, be collected and ready for use until 1860, it was

thought best not to encumber the act with details, which might have embarrassed and endangered its passage. These details, providing for the selection and purchase of the books, their distribution, and regulations for the management of the Libraries, will be carefully considered by Hon. Henry Barnard, the Superintendent of Public Instruction, and Prof. J. L. Pickard of the Platteville Academy, who have been appointed by the Legislature to make such revision of the School Laws of the State as they may think necessary, and report the same to the Governor in season to be by him submitted to the next Legislature for its consideration. It need only be said in this connection, that every precaution will be taken to guard the interests of the State, and prevent, by every restriction of law, the possibility of swindling or cheating in the contract for the books—for upon the faithful investment of this sacred fund will much of the popularity and usefulness of this law depend.

There never was a measure involving new and additional taxation, that ever passed the Legislature with such unanimity. The State Superintendent's Report, which strongly urged the Town Library system, was not laid before the Legislature until three weeks before its adjournment; Mr. Barnard, who had been confidently expected here, and whose personal efforts and experience were greatly counted on in aid of the measure, was detained in Connecticut by severe illness; and the Library law was not introduced until within eight working days of the close of the session, and notwithstanding all these untoward circumstances, this measure—a tax measure, too, in these stringent times—passed both Houses most triumphantly, by a vote of 19 to 3 in the Senate, and 51 to 10 in the Assembly; or in the aggregate, by a vote of 70 to 13. I have no doubt that the men who supported this noble and beneficent measure, will long be remembered with honor and gratitude by an intelligent and appreciating people.

This School Library Fund will amount to at least $35,000 annually, and will gradually increase in proportion to the in-

crease of the School Fund Income, and the increase of the taxable property of the State. There will be something like $18,000 a year from the School Fund Income; and one-tenth of a mill tax on the dollar valuation, on $175,000,000 of taxable property in the State, as equalized last year, would realize $17,500—if the taxable property should be equalized, as it may be, at two hundred millions, then the income from this special Library tax would amount to $20,000 annually. I should conclude, that the Library Fund will reach not less than $40,000 a year, within the next three years. But estimating it at $35,000, it would give on an average, to each of the six hundred and fifty towns and cities of the State $53 per year in books at wholesale rates; and deducting the probable *pro rata* for the cities and villages, there would be about $40, upon an average, to each of the rural towns. Estimating the present population of the State at 850,000, and dividing it by the number of towns and cities, we should have an average of 1,333 person for each town and city; and $40 or $50 per year in books for this number would appear but a very moderate investment. This amount, though small, will nevertheless afford a respectable beginning for a Town School Library, when we take into consideration that a similar amount will be added annually thereafter.

A single volume may serve as many as twenty-six persons a year, each having its use two weeks. Many School Libraries have reported twelve times the number of books loaned annually that there were in the Library—each volume, upon an average, having been taken out once a month during the entire year. In the reports of the Town Libraries of Indiana, occur such expressions as the following, which will not be lost on the public mind: "Nearly all the books have been drawn out as many as twenty-five times, many of them oftener, and quite a number of the books are not permitted to remain in the Library an hour before they are withdrawn." Says another: "Our Library is doing more good than any thing that has ever been done by the Legislature of this State. Great interest is manifested in it here."

I may state as the result of ten years' experience of the District Library system in Wisconsin, that only about *one third* of the districts have any libraries at all, and those generally so small as scarcely to deserve the name,—averaging less than 28 volumes each,—and hence have utterly failed to fulfill the great mission of School Libraries. That what few books have thus been collected have been procured at high prices of book pedlers, and have but too generally related to *Banditti* and *Robbers*, the *Pirate's Own Book*, and other trashy and injurious works, which could only incite in the minds of children a desire themselves to become desperadoes.

Had we continued the *District* Library plan in our State, and continued to leave the districts to procure a Library or not, as they might elect, so long would the Library system of Wisconsin, it seems to me, have proved a signal failure; but with the *Town* Library plan, as is in Indiana, Ohio and Michigan, the State providing the Libraries for each town according to some just system of distribution, carefully selecting books suitable to meet the tastes and wants of all classes of community, replenishing them annually so as to keep each collection fresh and attractive, we shall have in each Library several times the number and variety of books that any District plan could ever possess. For instance, suppose each of a dozen districts in a town was to have ten new volumes for a new Library, or for replenishing an old one—the same ten volumes that would be *best* and *cheapest* for one, would be *best* and *cheapest* for all; so that in all the twelve districts there would be, in truth, but *ten* different works; while upon the Township plan there would be *a hundred and twenty* different works for the same money. Any one can readily see how much more attractive the larger number would be to both youth and adults; how many more tastes would be gratified, and how much more knowledge would necessarily be diffused among the people. The same amount of money expended on the District plan would, by a judicious State system, purchase fully one-third more volumes, beside securing a vastly better selection, and having the advantage of a

uniform and far more permanent style of binding. According to the old District plan, we should always have had small and almost worthless Libraries; by the Township system, we shall soon have large, attractive and invaluable collections; and instead of only about *one-third* of the State, as is now the case, having a few ill-chosen volumes, every town in Wisconsin will, by the new system, soon have its solid Library of the choicest works to gladden the young minds of our two hundred and sixty-four thousand children, and furnish mental food for our other six hundred thousand people.

I presume that provision will be made, that should the citizens of any town deem proper, they may sub-divide their Town Library into two or three sections, and have them placed in as many convenient localities for six months or a year, and then interchange these sections with the other localities, and so in due time, the several sections or sub-divisions of the Library would be placed within the convenient reach of every part of the town, thus subserving nearly every facility of the District Library, with the most decided superadded advantages.

As an instance illustrative of the strong feeling of attachment with which the Township Libraries are regarded where they have been established and tested, and how cheerfully the expense is borne by the people, I cite the following from an excellent address by Prof. READ of our State University: "I will give the substance of a conversation which I had during my recent visit to Indiana, while in the Auditor's Office, examining the most beautiful series of books—the *Indiana School Library.* A farmer from the remotest township of the county came in. After a little, I said to him, 'Gentry, you are heavily taxed here in Indiana; I have been running away to Wisconsin where they have no old dead horses in the form of canals to pay for, and no interest to pay on bonds which our sharp-sighted Indiana Commissioners were cheated out of.' 'Well,' said he, 'we *are* heavily taxed, and this year, with our short crops and hard prices, it is as much as we can do in our neighborhood to pay our taxes.' 'But,' I said to him, 'it will be the policy of this

Legislature to diminish taxation.' He said 'in all mercy he hoped so.' 'They will begin upon your extravagant school system. Now look at these books—what is the use of them? Do they do a particle of good?' 'Let them,' said he, 'cut off what else they please—let them even cut off the whole school tax beside, *but the books we must have.*' He then told me, that the books had done his neighborhood more good, and had produced a greater change in the habits of families, than any other means of improvement which had ever been brought to bear upon the people."

And so it will be in Wisconsin. The people will never grumble at the School Library tax, if the money is only wisely expended. The tax will be light—one cent on every one hundred dollars, or twenty-five cents on every two thousand five hundred dollars, of taxable property. "Taxes," remarked that far-seeing statesman, EDMUND BURKE, "taxes for education are like vapors, which rise only to descend again to beautify and fertilize the earth."

Such was the interest of HORACE MANN in the subject, when requested to give an expression as to the value of Town School Libraries for Wisconsin, that though ill, he said he must write a word of good cheer, *as he held the plan to be worth many more times than his life.* GEORGE B. EMERSON, with the zeal of a true philanthropist, urged upon our Legislature the speedy adoption of such a system. "I congratulate you and the State," writes HENRY BARNARD, "that your Legislature has enabled you to inaugurate a true Library policy—altogether in advance, in its practical bearings and completeness, in time, of anything yet attempted." It is indeed, an advance upon the efforts of our sister States, all things considered; for taking the three States which have adopted the Township system, Wisconsin will raise more money, by nearly one-quarter, than Michigan, besides having the advantage of the State purchasing the books, instead of Township Boards, as is done in Michigan; it is in advance of Ohio, whose Library Fund is provided by imposing the tenth of a mill tax, while ours is raised by the tenth of a mill tax, and

one-tenth of the School Fund Income; and it is in advance of Indiana, not in the amount of tax raised, but in the permanency of the system, for in Indiana the Library Law is enacted to be in force only two years, and then has to pass the ordeal of securing a two years renewal, and thus is subjected to the danger of overthrow by the caprice of the people, or through the mismanagement of those having it in charge. Our Wisconsin Library Law is in advance of all others in providing a copy of all State Laws, Journals and Documents, substantially bound, for each School Library.

It is a noble and beneficent law; and will yet be regarded, when fully known, and its benefits begin to be realized, as the most important educational measure ever inaugurated in Wisconsin. I confess to cherishing no ordinary feelings of hope and pleasure in view of the unspeakable good that must inevitably result from a judicious expenditure, every twenty-five years, of fully *one million of dollars* in books to scatter among our people—procuring not less than a million and a quarter of volumes of the choicest literature of the age; and I envy not the man who cannot partake of this feeling of hope and joy, in view of the prospective progress and happiness of his race.

OF ACTIONS AND JUDGMENTS AGAINST SCHOOL DISTRICTS.

(SEC. 81.) All actions to which a School District is a party may be brought before a justice of the peace, when the amount claimed is less than $100.

(SEC. 82.) No property of a District is liable to levy or sale upon an execution.

(SECS. 83—86.) Immediately upon the rendition of any judgment against a school district, the Director shall certify the same to the Town Clerk, or if the district be a joint district, to the Clerk of each town in which such district is in part situated. If the Director fail to certify the judgment, as above specified, the certificate of the justice, or clerk of the court rendering the judgment, may be filed instead. The Town Clerk is then required to assess the judgment, with interest

thereon, in a separate column, in the next assessment roll, and the tax when collected shall be paid to the party entitled thereto.

PENALTIES AND LIABILITIES.

(SECS. 87—93.) All penalties less than one hundred dollars may be collected in an action brought before a justice of the peace. Any person neglecting to serve, in any capacity, as district officer, without good cause shown, shall forfeit ten dollars. Any Town Superintendent, or Clerk of the Board of Supervisors, who shall fail to make their report as required by law, will be liable for the full amount with interest, which such town or county loses by such neglect. Any Town Superintendent, or Town Clerk, who shall neglect or refuse to carry out any decision of the State Superintendent, will be liable to removal by the Town Board of Supervisors. If a District Clerk willfully makes a false report, he shall be adjudged guilty of a misdemeanor, and punished by fine or imprisonment. A refusal to deliver books, &c. to successor in office, renders a District Clerk liable to a fine of fifty dollars. It is the duty of the Town Superintendent to prosecute the District Treasurer, for malfeasance in office, and for a neglect of this duty, he incurs a fine of fifty dollars.

MISCELLANEOUS PROVISIONS.

(SECS. 94—99.) In case the Town Superintendent neglects or refuses to apportion the public money, in case a Town or County Treasurer refuses to pay over the School moneys in his hands, such action for its recovery may be brought, either by the Town Superintendent, or by any district aggrieved, and the Town Superintendent or district may control such action without hindrance from the nominal plaintiff to such action. Copies of the official bond, upon which action is brought, will be deemed sufficient proof for all purposes of law.

By Section 98, it is made the duty of the Town Superintendent to make a map of all the school districts in his town, before the first Monday of September, and file it with the Town Clerk; and within the same time to furnish a map of each dis-

trict to the Clerk thereof. After said first Monday of September it is his duty to mark each alteration made upon the map in the possession of the Town Clerk, and upon the map of each district that may be altered. It is but little trouble to make these maps, and note upon them the different changes made, and the Town Superintendent should not fail to discharge his duty in this respect, as such maps are indispensable in many instances where frequent changes are made, and are always convenient.

BORROWING MONEY.

(SECS. 100, 101.) The vote authorizing the Board to borrow money in the name of the District, must be taken at an Annual Meeting by ballot, and the result must be recorded in the records of the District. It requires a majority of all the legal voters in the district to pass such a vote. Money can not be loaned for a longer period than five years, nor in amount to exceed one-tenth the real estate valuation of the district, according to the last assessment roll. The District Board are empowered, in such cases, to mortgage District property.

JOURNAL OF EDUCATION.

(SECS. 102—105.) The State Superintendent annually subscribes for a sufficient number of the Journal of Education to supply each District Clerk and Town Superintendent with a copy. The Journal is sent post paid. It is the duty of each District Clerk to preserve the copies for binding. Town Superintendents are requested to see that all the clerks in their town are supplied.

UNION SCHOOLS.

The law of 1858 authorizes any two or more districts to unite and form a Union District for High School purposes. These High School districts do not interfere with the common school districts embraced within their limits. High School Districts do not draw public money for their support, but all expense must be met by a direct tax. Tuition may be charged upon pupils residing without the district. Teachers' certificates for High School teachers are granted by an examining Board, con-

sisting of the Town Superintendent, and the Board of the Union District. The Common School Law governs Union Districts in all points not expressly provided for in this law.

WEBSTER'S UNABRIDGED DICTIONARY.

Provisions have been made for furnishing each school district in the State with a copy of Webster's Unabridged Dictionary. Upon the proper affidavit by the Town Superintendent, the Dictionaries will be sent. It is earnestly desired that application in all cases be made by the Town Superintendent to avoid delay and the confusion which would otherwise be unavoidable. Dictionaries cannot be sent by mail, and the manner of transmission should always be stated. If Dictionaries are lost, the district losing it is not entitled to another copy from the State. By chapter CXXXVIII General Laws 1859, the State Superintendent is authorized to contract for a sufficient number of copies to complete the distribution. It is hoped that the delay in filling applications heretofore unavoidable will no longer be necessary.

SCHOOL HOUSES.

The following hints in regard to School Houses are given merely as directory to the Districts. The houses now in use by many able and densely populated districts in the State are a disgrace to the people, and might be fitted up in a tasty and attractive manner at little expense. We hope that more attention will be paid to this than has been heretofore.

As the location of school houses, and their interior and exterior arrangements, exert a very important influence upon the discipline and proficiency of schools, and the morals and habits of the scholars, it is thought proper to submit a few suggestions upon the subject, which it is believed, will recommend themselves to the approving consideration of every person interested in the health and comfort of his children, and the credit and prosperity of the schools.

LOCATION OF SCHOOL HOUSES.

The site of the school house should be in a dry, healthy and sheltered situation, accessible from all parts of the district, and retired from the dust, noise and danger of the highway; the vicinity of places of idle and dissipated resort should be avoided, as well as places of public business; and if it can be so chosen as to overlook a delightful country and be surrounded by picturesque scenery, it will be increasing the attractions that should always surround it.

"The first aim should be to select a *healthy* location, for no combination of advantages in other respects can compensate for the absence of this; and the house should be built at any point, no matter how far distant from the center, or the district should be disorganized and attached to those which surround it, rather than expose the children every time they step outside the schoolroom to the poisonous miasma arising from marshes and low

land in the summer, or the piercing blasts and severe cold of an elevated situation in the winter. Neither should a school-house be built on a level arid waste, where the scorching rays of the sun pour down continuously during the long summer days, drying up vegetation, burning the life out of the atmosphere, and enervating the body and mind of teacher and pupils, but on a gentle eminence, sufficiently elevated to be always free from standing water, and protected, if possible, from winter's winds by a ridge of land or a grove of timber.

"Having selected the spot for a site, the next thing in order is to determine its size, and this is the second point at which mistakes are usually made, though there is not generally as much contention about the *size* as about the *locality* of the site, all agreeing in providing the smallest one that will answer the purpose. In many instances the front of the house is set even with the road fence, leaving no yard except that furnished by the street; in others the fence curves beautifully around the rear of the house, leaving space enough for teams to pass, and an area at the sides on which to pile the firewood, and serving as a place of deposit for ashes, litter, etc.

"Notwithstanding the interest felt in the subject of education, and the improvements which have been made in the construction of school-houses, actual examination of a large portion of the State, has convinced us that not one school-house in a hundred has a yard of suitable size and properly enclosed, and this is true of sections of country in which land is not worth more than ten dollars per acre.

"Now, that every school-house should have an enclosed yard, is evident from the following considerations: First, as a matter of economy. The house and appurtenances are always more liable to damage from accidents, and trespasses on the part of animals, rude boys and uncivilized men, when standing open to the street, than when surrounded by a good fence.

"Second, on the score of neatness. A yard or area to which hogs and horned animals have access at their pleasure, is not a fit place for young children to sport and play in, and it is impos-

sible for the teacher to exert a proper influence upon his or her scholars in regard to cleanliness, and the personal habits connected with it, so long as the school-house is situated in the highway, and surrounded by the filth which usually accumulates under such circumstances.

"Third, pupils should have sufficient room for exercise and amusement without using the highway for that purpose, not only because they are liable to injury from passing teams, and often frighten skittish horses, causing their drivers annoyance and trouble, but because of the influence the unrestricted use of the highway will have upon their future characters and lives.

"Habits of lawless self-indulgence and disregard of others' rights are the legitimate results of lessons learned in the street, and all who realize the truth of the saying, that "the child is father to the man," will see in unfenced school houses, cemeteries, and the like, a cause for the prevalence of the idea which regards the public as an outlaw, whom all are at liberty to hunt and plunder.

"Every country school-house should have a yard containing at least one acre of land, and should be so arranged as to afford a separate play-ground for each sex, with proper out-buildings." —*Wis. Journal of Education.*

SCHOOL HOUSE.

The school-house should present a handsome exterior, and in every respect an inviting and attractive appearance. There should be a separate entrance to the school-house for each sex, opening into rooms distinct from each other and from the school-room. These rooms should be fitted up with scrapers and mats for the feet; with hooks, shelves, &c., for hats, coats, umbrellas, etc.; with sink, basin and towels, and all the means and appliances necessary to secure habits of order and cleanliness.

In determining the size of a school house, reference should be had not merely to the number of children needing accommodations at present, but also to the probable number who may be residents of the district for several years in the future. A dis-

trict in which there are forty children of an age suitable to attend school, should erect a house capable of accommodating sixty pupils at the least.

We will suppose, then, that a house is to be built to accommodate that number of pupils; the size and arrangement of the seats are first to be considered. The best arrangement is a single seat and desk for each pupil, but when such cannot be had, double seats and desks for two pupils will do very well, and will cost but little more than the old fashioned long seat and desk."

THE SCHOOL ROOM.

The school room, in addition to the space required for aisles and the teacher's platform, should be large enough to accommodate, with a seat and desk, every scholar who is entitled to attend the school, and also to allow at least one hundred and sixty cubic inches to each scholar; so that a room twenty-five feet by thirty, and ten feet in height, is none too large for the healthy and convenient accommodation of forty-five scholars. The room should be well lighted, with windows on the sides of the building, so that the light will not shine directly upon the faces of the scholars, and should be furnished with curtains or blinds. The teacher should have a platform raised a few inches from the floor, and supplied with a desk, situated near the front entrance to the school room.

SEATS AND DESKS.

The seats and desks should be so arranged that all scholars will sit facing the teacher in his desk: and should be so constructed that but two scholars will occupy one seat and desk, which should be at least three feet eight inches long. Thus no scholar will disturb another by leaving his seat. A separate seat and desk for each scholar would be still better. The height of the seats and desks should be graduated to suit the ages of the different scholars. For a child ten years of age, the seat should be about thirteen inches high, and desk twenty-two inches; width of the seat about eleven inches, and of the desk

fourteen inches. For a scholar seventeen years of age the seat should be sixteen inches high and thirteen wide; the desk twenty-eight inches high and eighteen wide. Three inches of the upper surface of the desk should be level, the remainder sloping not more than one inch in a foot, and the edge should be in the same perpendicular line with the front of the seat. The back of the seat should slope about two and a half inches in sixteen.

The room should be properly warmed, and kept at an even temperature of about sixty-eight degrees; and as stoves are mostly used for this purpose, the pipe should be carried as high as possible above the heads of the scholars, to a flue within or next to the wall.

Every school room should be supplied with at least a black board, and three outline maps—one of each hemisphere, and one of the United States. Other maps, charts, and apparatus, should be furnished as the wants of the district suggest, and its means will allow. Pictures of persons, or scenes suited to a proper moral effect, are desirable and useful decorations of a school room.

VENTILATION OF SCHOOL ROOM.

It is a well ascertained fact, that the amount of air inhaled by a healthy adult during three hours, is at least seventy-five cubic feet, *and that air once respired will not further sustain animal life.* Therefore forty-five scholars, during a three hours session of school, would exhaust the vitality of three thousand three hundred and seventy-five cubic feet of air; and were they kept in an air-tight room, twenty by twenty-four feet, and seven feet in height, and could they breathe the pure air until it is all once respired, they would all die before the expiration of three hours. Such a condition of things cannot well exist, but there are cases of approximation to it, and this is given as an instance, to show the necessity of large rooms, high ceilings, and proper ventilation. For air once respired, mixes with and vitiates the pure air remaining in the room, rendering its inhalation unhealthy and injurious, enervating both body and mind, and rendering both teacher and scholars unfit to pursue the object for which

they are assembled. Proper means for ventilation should be provided in all school rooms for the escape of the foul air, and admission of pure air, and should be regarded as of primary importance in the construction of a school house. This may be done by constructing the windows so that the upper sash can be lowered, and by an opening, at least one foot in diameter, near the ceiling, into a flue which leads into the open air.

If the ventilating flue can be carried up close beside or within the smoke flue, the warmth of the latter during the season when a fire is necessary, will materially aid the escape of foul air. Fresh air may be supplied by an opening in the floor under the stove, supplied with a tube leading beneath the floor, through the outside wall of the building.

In conclusion, we would strongly urge upon the people of the State to foster their district schools—those nurseries of wisdom and intelligence, and upon which the future of our nation so intimately depends. The annual meetings should be fully attended, and officers selected with a conscientious reference to their fitness for the office.

Another point of vital importance is the selection of proper teachers. A good teacher is the cheapest in all cases; and we would urge upon district officers the absolute necessity of looking well to the moral as well as mental qualifications of the teacher. The teacher should also be encouraged by frequent visits from the patrons of the school—not in a manner to interfere with the discharge of his duties, nor to find occasion of complaint, but to show a proper interest in the great work to which he is devoted.

It may also be observed that the harmony and good feeling that should exist in school districts and communities in relation to common schools, and the generous support that should be given to our free school system, depends much upon the enlightened zeal with which district officers and Town Superintendents fulfill the delicate and responsible trusts confided to them by the people. School officers are the agents of the people in carrying

out and effectuating the great republican principle of free schools; and it is hoped that the happy effect thus far experienced in the administration of this system, will not be suffered to decline in interest with the people, or usefulness to the children dependent upon it for an education, through indifference or omission of duty on their part.

TEXT BOOKS RECOMMENDED.

In this age of improved text books it is no pleasant task to commend one book, or series of school books, as superior to all others of the kind. Yet it is one of the obligations imposed by law on the State Superintendent—"it shall be his duty to recommend the introduction of the most approved text books, and as far as practicable to secure a uniformity in the use of text books in the Common Schools throughout the State." "The Board in each district shall have power, *under the advice of the Superintendent of Public Instruction*, to determine what school and text books shall be used in the several branches taught in the school of such district." The law, then, makes it the "duty of the State Superintendent to *recommend*," while "the power of determining what school and text books shall be used," is vested in the District Board, under the advice of the State Superintendent. It is a further duty of the State Superintendent to *secure*, as far as practicable, uniformity in the use of text books throughout the State. How all this can be effected, is not so easily determined. It would be folly for the State Superintendent to recommend text books, and endeavor to secure a uniformity in their use, if the District Boards have full power to determine this matter for themselves. And if the four thousand District Boards in the State have full control of this subject, and can select what text books they please, how can a uniformity by any possibility be secured? But this power on the part of the District Boards is plainly limited; they can only determine under the advice, or recommendation of the State Superintendent. To meet this view of the case, and leave the District Boards some latitude, two kinds of text books upon the principal branches taught, are respectfully recommended in the following list.

Other series of Readers are regarded as good,—Towers', Sargent's, Town & Holbrook's, Sanders', and Lovell's; but after a careful examination of the merits of all, and consultation with several of the prominent educators of the State, preference is

given to Parker & Watson's new series of National Readers, and McGuffey's Eclectic Educational series.

It has been already observed, that when different text books from those here recommended are at present in use, a sudden change might not be desirable; but as soon as the old supply is worn out, and sooner if the district will sanction it, let the proper change be made—for the proficiency of the scholars will greatly depend upon their having the best text books extant.

Spellers and Readers—National Series, McGuffey's Series.

Moral Instruction—The Bible, Cowdry's Moral Lessons.

Grammars—Greene's First Lessons, Elements of English Grammar, Analysis; Clark's Grammar.

Geographies—Monteith and McNally's Series, Warren's Geography, Warren's Physical Geography.

Mathematics—Davies' Arithmetics and Algebras; Ray's Arithmetics and Algebras; Stoddard's Intellectual Arithmetic; Colburn's (Prof. D. B.) Arithmetic and its Applications; and Davies' Higher Mathematics.

Composition, &c.—Brookfield's First Book; Quackenboss' First Lessons; McElligott's Analyzer.

Speakers—Northend's Little Speaker; Northend's American Speaker; Zachos' New American Speaker, McGuffey's New Eclectic Speaker.

Book Keeping—Mayhew's Practical System; Fulton & Eastman's Book Keeping.

Histories—Lossing's Primary U. S. History; Lossing's Pictorial U. S. History for Schools; Wilson's Outlines of General History; Willard's Universal History.

Outline Maps—Pelton's, Mitchell's.

Drawing—Coe's Drawing Cards, Otis' Drawing Books of Animals and Landscapes.

Government—Sheppard's Constitutional Text Book.

Philosophy, &c.—Parker's Philosophy, Wells' Philosophy, Well's Science of Common Things, Peterson's Familiar Science.

Chemistry—Porter's First Book of Chemistry; Porter's Principles of Chemistry; Youman's Class Book of Chemistry.

Botany—Wood's First Lessons; Wood's Class Book; Gray's Botanical Text Book.

Astronomy—Kiddle's Manual.

Geology—Hitchcock's.

Physiology, Hygiene, &c.—Loomis' Physiology; Mrs. Porter's "Know Thyself;" Cutler's Physiology.

Zoology—Mrs. Redfield's Chart of the Animal Kingdom; Mrs. Redfield's Zoological Science.

Music—Bradbury's Young Melodist; Bradbury's School Singer.

Reference Books—Webster's Dictionaries; Lippincott's Pronouncing Gazetteer of the World; Lippincott's Gazetteer of the United States.

School Architecture—Barnard's School Architecture, or Contributions to the Improvement of School Houses in the United States, $2; Barnard's Practical Illustrations of the Principles of School Architecture—an abridgment of the preceding—price 50 cents.

*** The *School Teacher's Library* is eminently worthy of the attention of all educators. The series consists of—

Northend's Teacher and Parent;
Page's Theory and Practice of Teaching;
Mansfield on American Education;
De Tocqueville's American Institutions;
Davies' Logic of Mathematics;
Mayhew on Universal Education;
Root on School Amusements.

Since the publication of the preceding list *Robinson's Mathematical Series*, *Loomis' Normal Arithmetic*, and *Olmstead's Rudiments of Natural Philosophy and Astronomy*, have been examined and found worthy of being recommended as useful text books.

LYMAN C. DRAPER,
State Superintendent of Public Instruction.

MORAL AND RELIGIOUS INSTRUCTION
IN PUBLIC SCHOOLS.

OFFICE OF SUP'T OF PUBLIC INSTRUCTION,
MADISON, WIS., May 31st, 1858.

DEAR SIR:—I duly received your favor of the 20th inst., in which you inform me, that the Board of Education of Watertown, of which you are a member, have "unanimously resolved, that the reading of the Bible, and all forms of prayer, be discontinued." You assign, as your justification for this action, the fact that your community is composed of so many different national elements; and, in conclusion, you ask my opinion on the subject.

I very much regret that there should have occurred any serious differences of opinion in regard to the management of the public schools in your city; and, above all, do I regret that such differences should have had their origin with reference to the use of the Bible. The Constitution, very properly, I think, prohibits "sectarian instruction" in the public schools of the State; but this certainly cannot justly be construed to mean the total exclusion of the Bible from the schools, or that simply repeating the Lord's Prayer, as has been done in your public schools, or indeed uttering any other liberal, unobjectionable prayer, could, in any just sense, be regarded as sectarian. This is my view and understanding of the matter, and I feel quite confident that this is also the practical, common-sense view taken of it by the great mass of the people of Wisconsin, without any regard to sectarian connections or partialities.

You ask if the reading of the Scriptures and offering prayer are the common practice in the public schools in this State? To a considerable extent, I presume it is; perhaps almost invariably so, when in accordance with the teacher's wishes. And such, too, is the practice, to a great extent, in other portions of our own country, and in Europe. And, more than this, religious instruction is imparted in the public schools of the most enlightened countries of the world—in some of them it is sectarian, but in many it is not. In Great Britain, France, Prussia, Germany, Belgium, Holland, Bavaria, Saxony, Austria, Norway, Sweden, and Switzerland, more or less religious instruction is given in the public schools; and even in Russia it is a national

maxim, that "religious teaching constitutes the only solid foundation of all useful instruction."

No more enlightened statesman, or abler advocate for religious instruction in the public schools, has appeared in any age or country than the celebrated M. GUIZOT, who has repeatedly been chosen as the Minister of Public Instruction in France. In addressing the French Chambers, while discussing his scheme of primary education for France, he said: "You have admitted moral and religious instruction as an essential part of primary education; but, gentlemen, moral and religious instruction is not like a reading lesson, or a question in arithmetic, to be gone through at a particular hour, and then laid aside. Moral and religious instruction is a work of all hours and all times. The atmosphere of a school ought to be moral and religious, and this is the only condition on which you can have moral and religious instruction in your schools. Children reach the age in which the sciences are to be studied, but in Primary Schools, if you lay not a foundation of morality and religion, you build upon the sand. Does not the teacher open and close the school with prayer? In teaching the children to read, is it not in the Catechism? In teaching them History, is it not that of Scripture? In a word, religious instruction is mingled with all the proceedings at all hours, in a Primary School. Take heed of a fact, which was never so brightly apparent as at this day: Intellectual culture, if accompanied by moral and religious culture, produces ideas of order, and of submission to the laws, and becomes the basis of the greatness and prosperity of society. Intellectual culture alone, not so accompanied, produces principles of insubordination and disorder, and endangers the social compact." Elsewhere speaking of his bill, he observed: "By moral and religious instruction, it provides for another class of wants quite as real as the others, and which Providence has placed in the hearts of the poorest, as well as of the richest, in this world, for upholding the dignity of human life, and the protection of social order." Speaking of the teacher, and his high and important mission, he remarked: "Nothing can supply for you, the desire of faithfully doing what is right. You must be aware, that, in confiding a child to your care, every family expects that you will send him back an honest man; the country, that he will be made a good citizen. You know that virtue does not always follow in the train of knowledge; and that the lessons received by children might become dangerous to them, were they addressed exclusively to the understanding. Let the teacher, therefore, bestow his first care upon the cultivation of the morals of his pupils. He must unceasingly endeavor to propagate and establish those imperishable principles of morality and

reason—without which, universal order is in danger; and to sow in the hearts of the young those seeds of virtue and honor, which age, riper years, and the passions, will never destroy. Faith in Divine Providence, the sacredness of duty, submission to parental authority, the respect due to the laws, to the King, and to the rights of every one—such are the sentiments which the teacher will strive to develop."

Professor STOWE, in his *Report on Elementary Instruction in Europe*, remarks: "In regard to the necessity of moral instruction and the beneficial influence of the Bible in schools, the testimony was no less explicit and uniform. I inquired of all classes of teachers, and men of every grade of religious faith, instructors in common schools, high schools, and schools of art, of professors in colleges, universities and professional seminaries, in cities and in the country, in places where there was a uniformity, and in places where there was a diversity of creeds, of believers, and unbelievers, of rationalists and enthusiasts, of Catholics and Protestants; and I never found but one reply, and that was, that to leave the moral faculty uninstructed was to leave the most important part of the human mind undeveloped, and to strip education of almost everything that can make education valuable; and that the Bible, independently of the interest attending it, as containing the most ancient and influential writings ever recorded by human hands, and comprising the religious system of almost the whole of the civilized world, is in itself the best book that can be put into the hands of children, to interest, to exercise, and to unfold their intellectual and moral powers. Every teacher whom I consulted, repelled with indignation that moral instruction is not proper for schools; and spurned with contempt the allegation, that the Bible cannot be introduced into common schools without encouraging a sectarian bias in the matter of teaching; an indignntion and contempt which I believe will be fully participated in by every high-minded teacher in christendom."

Professor STOWE, speaking of the German teacher, observes: "Sometimes he calls the class around him, and relates to them, in his own language, some of the simple narratives of the Bible, or reads it to them in the words of the Bible itself, or directs one of the children to read it aloud; and then follows a friendly, familiar conversation between him and the class, respecting the narrative; their little doubts are proposed and resolved, their questions put and answered, and the teacher unfolds the moral and religious instruction to be derived from the lesson, and illustrates it by appropriate quotations from the didactic and preceptive parts of the Scriptures. Sometimes he explains to the class a particular virtue or vice, a truth or a duty; and after having

clearly shown what it is, he takes some Bible narrative which strongly illustrates the point in discussion, reads it to them, and directs their attention to it, with special reference to the preceding narrative."

"Nothing," says HORACE MANN, "receives more attention in the Prussian schools than the Bible. It is taken up early, and studied systematically. The great events recorded in the Scriptures of the Old and New Testament; the character and lives of those wonderful men, who, from age to age, were brought upon the stage of action, and through whose agency the future history and destiny of the race were to be so much modified; and especially, those sublime views of duty and of morality which are brought to light in the Gospel, these are topics of daily and earnest inculcation in every school. To these, in some schools, is added the history of the Christian religion, in connection with contemporary civil history. So far as the Bible lessons are concerned, I can ratify the strong statements made by Prof. STOWE, in regard to the absence of sectarian instruction, or endeavors at proselytism."

Lord BROUGHAM, in pleading for a system of national education for England, exclaimed: "Shall we, calling ourselves the friends to human improvement, balance any longer upon some party interest, some sectarian punctilio, or even some refined scruple, when the means are within our reach to redeem the time, and to do that which is most blessed in the sight of God, most beneficial to man? Or shall it be said, that between the claims of contending factions in Church or in State, the Legislature stands paralyzed, and puts not forth its hand to save the people placed by Providence under its care, lest offence be given to some of the knots of theologians who bewilder its ears with their noise, as they have bewildered their own brains with their controversies? Lawgivers of England! I charge ye, have a care! Let us hope for better things. Let us hope it, through His might and under His blessing who commanded the little children to be brought unto Him, and that none of the family of mankind should be forbidden; of Him who has promised the choicest gifts of His Father's kingdom to those who in good earnest love their neighbors as themselves."

Hon. THOMAS WYSE, who was, a few years since, a distinguished Roman Catholic member of the British Parliament, in his work on *Education Reform*, thus expresses himself on this point: "What is true of individuals, is still truer of societies. A reading and writing community may be a very vicious community, if morality (not merely its theory, but its practice,) be not as much a portion of education as reading and writing. Knowledge is not a branch of education, but it has too often

been taken for the 'whole.'" "When I speak of moral education," continues Mr. WYSE, "I imply religion; and when I speak of religion, I speak of Christianity. It is morality, it is conscience *par excellence*. Even in the most worldly sense, it could easily be shown that no other morality truly binds, no other education so effectually secures even the coarse and material interests of society. The economist himself would find his gain in such a system. Even if it did not exist, he should invent it. It works his most sanguine speculations of good into far surer and more rapid conclusions, than any system he could attempt to set up in its place. No system of philosophy has better consulted the mechanism of society, or joined together with a closer adaptation of all its parts, than Christianity. No legislator who is truly wise—no Christian will for a moment think—for the interests of society and religion—which are, indeed, only one,—of separating Christianity from moral education."

Mr. WYSE observes again: "In teaching religion and morality, we naturally look for the best code of both. Where is it to be found? Where, but in the Holy Scriptures? Where, but in that speaking and vivifying code, teaching by deed, and sealing its doctrines by death, are we to find that law of truth, of justice, of love, which has been the thirst and hunger of the human heart in every vicissitude of its history. From the mother to the dignitary, this ought to be the Book of Books; it should be laid by the cradle and the death-bed; it should be the companion and the counsellor, and the consoler, the Urim and Thummim, the light and the perfection of all earthly existence."

Hon. J. B. MEILLEUR, late Superintendent of Education for Lower Canada, thus remarks in his last Annual Report: "As the moral and religious department of education has become matter of discussion, and some have proposed that we should limit our teaching in our schools to the ordinary acquirements of science, without troubling ourselves with religious education, I consider it my duty to protest in this place against the fatal tendency of such a system. The aim of education is to render men perfect, and to qualify them to fulfill their duties towards God, towards their families, towards society, and towards themselves. Every system of education having a different object would be subversive of the great grinciples on which society is based, and without which a nation could never become strong, or great, or prosperous. Every system of national education ought to be, above all, moral and religious, and without this we could not have a well-ordered society."

WASHINGTON, in his Farewell Address to the American Peo-

ple, has left us this noble testimony in favor of Religion and Morality: "Of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connexions with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle. It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who, that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge."

The profound intellect of DANIEL WEBSTER was especially directed to the connection of the Bible and Christianity with educational institutions, as may be seen by the following extracts from his masterly argument in the Girard College case in the Supreme Court of the United States: "I maintain," said WEBSTER, "that, in any institution for the instruction of youth, where the authority of God is disowned, and the duties of Christianity derided and despised, and its ministers shut out from all participation in its proceedings, there can no more be charity, true charity, found to exist, than evil can spring out of the Bible, error out of truth, or hatred and animosity come forth from the bosom of perfect love. * * * *

"The ground taken is, that religion is not necessary to morality; that benevolence may be insured by habit, and that all the virtues may flourish, and be safely left to the chance of flourishing, without touching the waters of the living spring of religious responsibility. With him who thinks thus, what can be the value of the Christian revelation? So the Christian world has not thought; for by that Christian world, throughout its broadest extent, it has been, and is, held as a fundamental truth, that religion is the only solid basis of morals, and that moral instruction not resting on this basis is only a building

upon sand. And at what age of the Christian era have those who professed to teach the Christian religion, or believe in its authority and importance, not insisted on the absolute necessity of inculcating its principles and its precepts upon the minds of the young? In what age, by what sect, where, when, by whom, has religious truth been excluded from the education of youth? Nowhere; never. Everywhere, and at all times, it has been, and is regarded as essential. It is the essence, the vitality, of useful instruction. * * * * *

"Mr. Girard says that there are such a multitude of sects, and such diversity of opinion, that he will exclude all religion and all its ministers, in order to keep the minds of the children free from clashing controversies. Now, does not this tend to subvert all belief in the utility of teaching the Christian religion to youth at all? Certainly, it is a broad and bold denial of such utility. To say that the evil resulting to youth from the differences of sects and creeds overbalances all the benefits which the best education can give them, what is this but to say that the branches of the tree of religious knowledge are so twisted, and twined, and commingled, and all run so much into and over each other, that there is therefore no remedy but to lay the axe at the root of the tree itself? It means that, and nothing less! Now, if there be anything more derogatory to the Christian religion than this, I should like to know what it is. In all this we see the attack upon religion itself, made on its ministers, its institutions. and its diversities. And that is the objection urged by all the lower and more vulgar schools of infidelity throughout the world. In all these schools, called schools of Rationalism in German, Socialism in England, and by various other names in various countries which they infest, this is the universal cant. The first step of all these philosophical moralists and regenerators of the human race, is to attack the agency through which religion and Christianity are administered to man. But in this there is nothing new or original. We find the same mode of attack and remark in Paine's 'Age of Reason.' We find the same view in Volney's 'Ruins of Empires.' * * *

"But this objection to the multitude and differences of sects is but the old story, the infidel argument. It is notorious that there are certain great religious truths which are admitted and believed by all Christians. All believe in the existence of a God. All believe in the immortality of the soul. All believe in the responsibility, in another world, for our conduct in this. All believe in the divine authority of the New Testament. Dr. Paley says that a single word from the New Testament shuts up the mouth of human questioning, and excludes all human reas-

oning. And cannot all these great truths be taught to children without their minds being perplexed with clashing doctrines and sectarian controversies? Most certainly they can.

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"But, it is asked, what could Mr. Girard have done? He could have done as has been done in Lombardy by the Emperor of Austria, as my learned friend has informed us, where, on a large scale, the principle is established of teaching the elementary principles of the Christian religion, of enforcing human duties by divine obligations, and carefully abstaining in all cases from interfering with sects or the inculcation of sectarian doctrines. How have they done in the schools of New England? There, as far as I am acquainted with them, the great elements of Christian truth are taught in every school. The Scriptures are read, their authority taught and enforced, their evidences explained, and prayers usually offered.

"The truth is, that those who really value Christianity, and believe in its importance, not only to the spiritual welfare of man, but to the safety and prosperity of human society, rejoice that in its revelations and its teachings there is so much which mounts above controversy, and stands on universal acknowledgement. While many things about it are disputed or are dark, they still plainly see its foundation and its main pillars; and they behold in it a sacred structure, rising up to the Heavens. They wish its general principles, and all its great truths, to be spread over the whole earth. But those who do not value Christianity, nor believe in its importance to society or individuals, cavil about sects and schisms, and ring monotonous changes upon the shallow and so often refuted objections founded on alleged variety of discordant creeds and clashing doctrines."

"We scruple not to say here," says BARNARD'S *American Journal of Education*, "that our pupils are young immortals, and we realize our duty to them in this important aspect. We open our schools with the reading of a passage of Scripture without note or comment, and we invoke the blessing of God at the commencement of each day upon the duties and labors of the day before us. It is done solemnly and seriously, and not as an unmeaning service. Nor do we hesitate to use the general precepts of religion in moral instruction; but not by a word or act, or even by implication, is one attempt made to inveigle or decoy any pupil into the meshes of any denominational net, or to carry the citadel of any heart for an external form, or a sectarian creed. We believe that education can never be complete without the culture of the heart. We know of no truth like Bible truth, no power like Bible power, for this purpose. We

avoid, with the most scrupulous care, the propagation of any sectarian view, but if we wish a golden rule, 'All things whatsoever ye would that men should do to you, do ye even so to them,' we hesitate not to adopt it because it is in the Bible, or because the sublime precept first fell from the lips of the Redeemer of man. Nor do we hesitate to go to the Bible for those fundamental truths that lie at the foundation of all correct philosophy, and which can be derived from no other source with equal clearness, some of them from no other source at all, as the creation of the world, the Bible view of which alone can set at rest all questions on the subject of cosmogony. It is general truth, simple moral truth, as it affects our relations with and to our fellow-men, and simple religious truth, as it affects our relations to God, not controversial or controverted points, that we feel at perfect liberty to use and inculcate, because they are in consistency with the views of all sects. It is what may lead our pupils, when they grow up, to be thoughtful and examine for themselves their duties to God and man in their broadest sense. Let us take care that in our horror of sectarianism, we do not lose sight of the fact admitted by all sects, that the God of our Bible is the God of our nation, acknowledged in its foundation, acknowledged hitherto in its progress and in its rising glory. Let us not, from a dread of sectarianism, induce Him to spread his sheltering wing, and take his flight forever from our public institutions. Disastrous indeed, fatally disastrous, would such withdrawal be. We have no greater evil as a nation to fear."

Nearly all our Legislative Assemblies, and successive sessions of Congress, have, from Colonial days to the present, so far recognized a superintending Providence as to open their daily sessions with prayer. What could be more befitting both teacher and scholars, in their arduous and important avocations, than to unite, at the commencement of their daily toils, in reading a portion of the Sacred Scriptures, repeating the memorable prayer of our Lord and Saviour, or otherwise humbly invoking the blessings of the Most High.

"At the meeting of the first Congress," says Webster, "there was a doubt in the minds of many of the propriety of opening the session with prayer; and the reason assigned was, as here, the great diversity of opinion and religious belief. At length Mr. Samuel Adams, with his gray hairs hanging about his shoulders, and with an impressive venerableness now seldom to be met with, (I suppose owing to the difference of habits,) rose in that assembly, and, with the air of a perfect Puritan, said that it did not become men, professing to be Christian men, who had come together for solemn deliberation, in the hour of their extremity, to say that there was so wide a difference in their

religious belief, and they could not, as one man, bow the knee in prayer to the Almighty, whose advice and assistance they hoped to obtain. Independent as he was, and an enemy to all prelacy as he was known to be, he moved that the Rev. Mr. DUCHE, of the Episcopal Church, should address the Throne of Grace in prayer.

"And John ADAMS, in a letter to his wife, says that he never saw a more moving spectacle. Mr. DUCHE read the Episcopal service of the Church of England, and then, as if moved by the occasion, he broke out into extemporaneous prayer. And those men, who were then about to resort to force to obtain their rights, were moved to tears; and floods of tears, Mr. ADAMS says, ran down the cheeks of the pacific Quakers who formed part of that most interesting assembly. Depend upon it, where there is a spirit of Christianity, there is a spirit which rises above forms, above ceremonies, independent of sect or creed, and the controversies of clashing doctrines."

How replete with practical wisdom and good sense were the remarks of the illustrious FRANKLIN, in the Federal Convention for the formation of our Constitution, pleading for prayer at the opening of each daily session. "Groping, as it were, in the dark," said FRANKLIN, "to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto once thought of humbly applying to the Father of Lights, to illuminate our understandings? In the beginning of the contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for the Divine protection. Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending Providence in our favor. To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? Or do we imagine that we no longer need his assistance? I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth —*that God governs in the affairs of men.*"

It will be recollected that General TAYLOR, during his Presidency, recommended a day of humiliation, fasting and prayer, on account of that dreadful scourage, the cholera, that then prevailed so extensively and fatally in our land. It is well known, that the scourge ceased almost instantaneously after the observance of the day of prayer, as did the tempest on the sea of Gennesareth when the audible voice of God commanded, "Peace—be still!"

In discussing a subject of this character, many other high

authorities might easily be cited in favor of the use of the Bible, and of moral and religious instruction in public schools, and of the peculiar propriety of opening their daily sessions with prayer—and all this, without necessarily having the least connection with sectarianism. Enough, I trust, on these points has already been adduced. With the weighty opinion of a WASHINGTON, a FRANKLIN, an ADAMS, a JEFFERSON, a BURKE, a BROUGHAM, a WEBSTER, a STOWE, and a MANN, among Protestants, and of a GUIZOT, a WYSE and a MEILLEUR among the enlightened educators of Catholic countries, together with the almost universal experience of this country, and my own personal observation of nearly forty years, I am unwilling to believe that any other than the happiest results would be likely to follow a discreet, un-sectarian use of the Bible in public schools, the inculcation of moral duties and obligations, and the opening of daily sessions of school with prayer.

A recognition of God as ruling in the affairs of men is substantially found in the Declaration of Independence, in the Constitution of the United States, and the Constitution of Wisconsin.* Christianity is everywhere incorporated in the law of

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* The Boston *Investigator*, the avowed organ and exponent of the Free Thinkers of this country, has charged me with making a "false statement" in asserting that "a recognition of God, as ruling in the affairs of men, is substantially found in the Declaration of Independence, in the Constitution of the United States, and the Constitution of Wisconsin." The signers of the immortal Declaration of Independence expressed in that instrument their "firm reliance on the protection of Divine Providence;" and the Constitution of this State commences with the declaration, "We, the people of Wisconsin, grateful to God for our freedom," &c. So far, then, as these two State papers are concerned, they not only *substantially* but *positively*, recognize God as ruling in the affairs of men. I was fully aware of this when I penned the sentence that the *Boston Investigator* now so boldly denies; and as the Constitution of the United States was less explicit, I made the qualification that such recognition is "*substantially* found" in those three State papers. In two of them, the recognition is positive; in the other the "*substance*" is found, as I shall proceed to show.

While the word "God" is not expressed in the Constitution of the United States, yet twice in that instrument are oaths or affirmations provided—the President being required to "*solemnly swear*" that he will faithfully perform the duties of his office and preserve, protect, and defend the Constitution; and the Senators and Representatives in Congress, members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, "shall be bound by oath or affirmation, to support the Constitution"

What, then, is the nature of an oath? DANIEL WEBSTER, the great expounder of the Constitution, declares, that "We hold life, liberty, and property in this country upon a system of oaths; oaths founded on a religious belief of some sort. And that system which would strike away the great substratum, destroy the safe possession of life, liberty, and property, destroy all the institutions of civil society, cannot and will not be considered as entitled to the protection of a court of equity." Judge STORY, in his *Commentaries on the Constitution*, referring to the President's oath of office, observes: "It is a suitable pledge of his fidelity and responsibility to his country; and creates upon his concience a deep sense of duty, *by an appeal at once, in the presence of* GOD *and man, to the most sacred and solemn sanctions which can operate on the human mind.*"

the land. It is recognized by Congress and by State Legislatures, and by the laws they enact, as well as by all our Courts of Judicature. The recognition of the Christian Sabbath, and of the religious obligations of oaths, the incorporation of so many of the laws of God, as recorded in the Bible, into the fundamental laws of the land, and the universal respect paid to religion and religious observances, all tend to prove that the silent, yet all-powerful influences of Christianity are indissolubly interwoven in our laws and pervade all classes of society. That *God governs in the affairs of men*, was the deep conviction of the eminent philosopher, FRANKLIN; and in every thoughtful human heart there is an intuitive acquiescence in the truth of this profound remark.

WASHINGTON presided over the Constitutional Convention, and when the oath of office as President was administered to him by Chancellor LIVINGSTON in 1789, he declared in his inaugural address, that "it would be peculiarly improper to omit, in this first official act, my fervent supplications to that ALMIGHTY BEING who rules over the universe—who presides in the councils of nations—and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States, a government instituted by themselves for these essential purposes; and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the GREAT AUTHOR of every public and private good, I assure myself that it expresses your sentiments not less than my own; nor those of my fellow citizens at large, less than either. No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men, more than the people of the United States. Every step by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency; and in the important revolution just accomplished, in the system of their united government, the tranquil deliberations, and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude, along with an humble anticipation of the future blessings which the past seem to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed."

President MADISON, who is regarded as the Father of the Constitution, and was the master-spirit of the Convention which formed it, observes in his first inaugural address, "We have all been encouraged to feel the guardianship and guidance of that ALMIGHTY BEING, whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising Republic." JEFFERSON, in his first inaugural address, "acknowledged and adored an over-ruling PROVIDENCE" in the affairs of men.

The Constitution of the United States recognizes GOD as ruling in the affairs of men, by the solemn oaths of office which it imposes; sanctioned by WASHINGTON, FRANKLIN and MADISON, who were members of the Convention which framed it; sanctioned by every successive President taking that solemn oath, administered upon the Bible; sanctioned by all the Presidents, in their inaugural addresses and annual messages; and further sanctioned by the interpretations of all our great constitutional expounders. The Constitution furthermore, at its close, recognizes "our LORD" in recording the memorable year of its formation. Thus, it will be seen, that there is substantially a recognition of GOD, as ruling in the affairs of men, in the Declaration of Independence, the Constitution of the United States, and the Constitution of Wisconsin.

L. C. D.

"There is nothing," says WEBSTER, "that we look for with more certainty than this general principle, that Christianity is part of the law of the land. This was the case among the Puritans of New England, the Episcopalians of the Southern States, the Pennsylvania Quakers, the Baptists, the mass of the followers of Whitfield and Wesley, and the Presbyterians; all brought and all adopted this great truth, and all have sustained it. And where there is any religious sentiment among men at all, this sentiment incorporates itself with the law. *Everything declares it.* The massive cathedral of the Catholic; the Episcopalian church, with its lofty spire pointing heavenward; the plain temple of the Quaker; the log church of the hardy pioneer of the wilderness; the mementoes and the memorials around and about us; the consecrated grave-yards, their tombstones and epitaps, their silent vaults, their mouldering contents; all attest it. *The dead prove it as well as the living.* The generation that are gone before speak to it, and pronounce it from the tomb. We feel it. All, all proclaim that Christianity, general, tolerant Christianity, Christianity independent of sects and parties, that Christianity to which the sword and fagot are unknown, general, tolerant Christianity, is the law of the land."

If it be true, then, that Christianity pervades all the ramifications of society, why should we wish alone to exclude it from the nurseries of education? It has been decided by the Vice Chancellor, in the highest court of England, that "COURTS OF EQUITY, IN THIS COUNTRY, WILL NOT SANCTION ANY SYSTEM OF EDUCATION IN WHICH RELIGION IS NOT INCLUDED." FRANKLIN said to PAINE, when advising against the publication of one of his infidel works, "*Don't unchain the tiger!* If men are so bad with all the restraining influences of the Christian religion, what would they be without them!"* JEFFERSON remarked to WEBSTER, "BURKE never uttered a more important truth, than when he exclaimed that a religious education was the cheapest defense of nations." A prominent secular newspaper of our country, the New York *Courier & Enquirer*, recently remarked: "It will not be denied by any man, whether religious or otherwise, that the effect of personal religion upon the individual—

* The *Boston Investigator*, in its strictures on this Circular, has seen fit to use this language: "The man who has the effrontery to assert, as he does, in the Circular of which we are speaking, that FRANKLIN wrote against one of PAINE'S works which was not commenced until after the former was dead more than three years, will not be likely to be more magnanimous than intelligent." It is, nevertheless, "in the highest degree probable," as JARED SPARKS observes, that PAINE submitted to FRANKLIN a deistical manuscript as early as about 1787; and FRANKLIN'S reply contains not only what I have quoted, but much more quite as pointed and significant. See Sparks' edition of the *Works of Franklin*, vol. x. p. 281, 282. L. C. D.

and, as a necessary result, upon society, which is but an aggegation of individuals—is in the highest degree happy, important and desirable. In the allaying of unruly passions, the amelioration of selfishness, the uprooting of immorality and vice, the security of life and property, the steadying of trade, the increase of industry—all these upon motives far higher and more reliable than any mercenary ones—its advantages are palpable, and are admitted on every side."

Shall it ever be deemed a sacrilege—a desecration of the noble and holy purposes of education—a blighting injury to the morals of our beloved children, to permit the teachers in the public schools of Wisconsin to read a portion of the Sacred Scriptures, offer a prayer invoking the blessing of God upon their labors and the efforts of the children committed to their charge, or repeat the Lord's Prayer, all beautiful, as it is, in its simplicity and adaptation to the wants of all; or impress upon their young and susceptible minds those incomparable teachings, derived from the Bible, touching their moral duties to their parents, to each other, to society and to God? I confess I cannot conceive how there could be any reasonable objection, any possible harm, in all this—untinctured with sectarianism as it would and should be; but, on the contrary, enduring good, in my opinion, would be the inevitable consequence.

There could be no more beautiful spectacle, none more truly ennobling, than a teacher inculcating and enforcing moral duties upon the young—love to parents, brothers, sisters, companions —love to the race of man, and love to the Giver of all good; love of country, truth, honesty and virtue—charity to the poor and unfortunate, and kindness to the brute creation;—in a word, pressing upon their attention those foundation principles which alone can make them good children, good men, good women, and good citizens. And such instructions can be imparted by the judicious teacher at suitable opportunities, without ever for a moment trenching on sectarian peculiarities.

Such is the abiding conviction, and such the practices of the civilized world. I am sure that the people of Wisconsin, who are generally conceded to possess as much virtue and intelligence as the citizens of any of their sister States, would never consent to utterly banish the Bible from their schools, and thus virtually repudiate its unequalled teachings of virtue and morality as unfit for the instruction and guidance of the children of their love—children who, at no distant day, must become the rulers and law-givers of the State, and the custodians of all that we now hold dear and sacred, our homes, our country, Christianity and the Bible.

I would not force the attendance of scholars, against their

parents' or guardians' will, on the exercises of reading the Scriptures and offering prayer. The conscientious scruples of men are always deserving of respect; and no School Board, or liberal community, would wish to be arbitrary or overbearing in matters of conscience. In all such differences of opinion, there are necessarily two parties, and each have their rights; and these should be equally respected, so far as it is possible to do so. Where there are any honest objections to such exercises—and the School Board should be the judge in such cases—then it might be advisable to have these exercises conducted a little before the regular hour for opening the school, as I learn has been the case in the Watertown schools, or if in school hours, that such scholars might be permitted to retire; so that the children and wards of parents and guardians conscientiously objecting to their attendance on these exercises, might not be compelled to be present.

If a majority of the School Board prefer to have the common version of the Bible read in school, it is their right to claim their preference; if a majority prefer to have Douay or Catholic edition read, it is their equal right to have it—but, in a matter of this kind, the Board in fairness and justness should faithfully represent the wishes of the district. But let the Bible be read, whatever be the version, reverently and impressively, and the blessing of the God of the Bible will never fail to attend it.

If the teacher sees proper, with the consent or approval of the School Board, to make remarks to his school of a moral character and application, he should be extremely cautious, and not travel out of his way to lug in anything that could, even by the most fastidious, be construed into a sectarian tendency. Such conduct would be bigoted, uncalled for, and unjustifiable—a direct infringement of the Constitution, and a violation of all confidence reposed by the district in the judgment and propriety of the teacher; and would, in my opinion, be sufficient cause for his dismissal.

Thousands and tens of thousands of judicious teachers, in the Old World and the New, constantly impart moral instruction to their pupils, without ever once obtruding, or desiring to obtrude, their views or opinions upon religious tenets or sectarian differences. I should have no fear of any such narrow-minded obtrusions, and violation of good faith, in the teachers of Wisconsin; while, on the other hand, to carry out the true spirit of moral instruction, on all suitable occasions, devoid of all sectarian tendencies, would, beyond all question, make the most enduring beneficial impressions. It would be folly, nay worse than folly, to say that no moral instruction whatever should be given in our public schools. It is done every day, in every school of the

land—for nearly every text-book, from the primary reader to the higher works on philosophy, geology, and intellectual science, convey very properly more or less moral instruction, and none think of branding them as sectarian.

But, you may ask, may not a majority of the School Board, if they see fit, utterly refuse to tolerate the Bible, prayer, and moral instruction in the public school? We might obstinately and insanely refuse food for our perishing bodies, as well as for our craving immortal minds, but we should only spite and injure ourselves by so rash and suicidal an act. I have no doubt the Board might legally thrust the Bible from the school-house, and stifle the voice of prayer, for these are not among the studies especially prescribed by law; but they may very properly be regarded as among the "such other branches of education as may be determined upon by the Board," as the law allows, if the Board think proper to include them. The District Board, too, under the advice of the Superintendent of Public Instruction, have power to determine the text-books to be used; and I should ever feel bound to regard with special favor the use of the Bible in public schools, a pre-eminently first in importance among text-books for teaching the noblest principles of virtue, morality, patriotism, and good order—love and reverence to God—charity and good will to man.

LYMAN C. DRAPER,
State Superintendent.

APPENDIX.

APPENDIX.

FORMS FOR THE USE OF OFFICERS.

No. 1.

Form of notice, to be given by the Town Superintendent to the Town Clerk, of the formation of a new school district.

To the Town Clerk of the Town of ———

I have this day formed a new school district in the town of ——, to be called "School District No. — of ——," of which the following is a description:

[Here mention the sections and parts of sections, or other subdivisions of which such district is composed, or describe the boundary.] Such formation will take effect on the —— day of ———, 18—.

Dated this —— day of ——, 18—

[Signed.] A. B.

Town Superintendent of Schools of the Town of ——.

No. 2.

Form of notice, to be given by the Town Superintendents to the Town Clerks, of the formation of joint school district.

To the Town Clerk of the Town of ——:

We have this day formed a new joint school district, composed of parts of the towns of —— and ——, to be called "Joint School District No. —— of —— and ——," of which the following is the description:

[Here mention the sections and parts of sections, or other subdivisions of which the district is composed, or describe boundary.]

Such formation will take effect on the —— day of ——, 18—.

Dated this —— day of ——, 18—.

[Signed.] A. B.

Town Superintendent of Schools of the town of ——.

E. F.

Town Superintendent of Schools of the town of ——.

NOTE.—In case the district is composed of parts of more than two towns, of course the form must be changed to correspond, and the notice given to the Clerk of each town in which any part of the district so formed is situated.

No. 3.

Form of Notice of the first meeting of a School District, to be delivered by the Town Superintendent to a taxable inhabitant of the district.

To A. B. taxable inhabitant of School District No. — of——.

The Town Superintendent of Schools of the town of ——, having formed, on the —— day of ——, 18—, a new district in said town, called "School District No. —, of ——," of which the following is a description: [*Here describe the district as in Form No.* 1.] You are hereby directed to notify every qualified voter of said district to attend the first meeting thereof, which is hereby appointed to be held at the house of ——, in said district, on the —— day of ——, 18—, at —— o'clock in the ——noon, by reading this notice in the hearing of each such voter, or in case of absence from his place of residence, by leaving thereat a written notice of the time and place of such meeting, at least five days before the time appointed for such meeting.

Dated at ——, this —— day of ——, 18—.

[Signed,] A. B.

Town Superintendent of Schools of the town of ——.

NOTE.—If it is a joint district, the notice must be signed by the Superintendent of each town in which any part of the district lies.

No. 4.

Form of Notice of first meeting to be left at the residence of a voter when absent.

To A. B.:—

By direction of the Town Superintendent of the town of ——, you are hereby notified that the first meeting of school district No. ——, of ——, recently formed, will be held at the house of ——, in said district, on the —— day of ——, 18—, at —— o'clock in the ——noon. Your attendance is requested.

Dated this —— day of ——, 18—.

[Signed,] G. H.

Person appointed to give notice.

No. 5.

Form of Return to be indorsed upon notice received from Town Superintendent on the formation of a School District.

I hereby certify that I have notified the following named persons [*Here give the names in full,*] personally, and the following named persons [*Here insert names,*] by copy, according to the direction of the within notice.

Dated this —— day of ——, 18—.

[Signed,] G. H.

Person appointed to give notice.

No. 6.

Form of Notice of a meeting of a School District, to be delivered by the Town Superintendent, to a taxable inhabitant, in case there is no officer to call a meeting.

To A. B., a taxable inhabitant of school district No. — of ——:

You are hereby directed to notify every qualified voter of school district No. ——, of ——, to attend a meeting thereof, which is hereby appointed to be held at the house of ——, in said district, on the —— day of ——, 18—, at —— o'clock in the —— noon, by reading this notice in the hearing of each such voter, or, in case of absence from his place of residence, by leaving thereat a written notice of the time and place of such meeting, at least five days before the appointed time for such meeting. The following is a description of said district: [*Here describe the district as in Form No.* 1.]

Dated this —— day of ——, 18—.

[Signed,] A. B.

Town Superintendent of Schools of the town of ——.

No. 7.

Form of acceptance of office by District Officers, to be filed with the District Clerk.

I hereby signify my acceptance of the office of —— of school district No. ——, in the town of ——, to which I have been elected. [*Or if appointed, say,* "to which I have been appointed to fill a vacancy."]

Dated this —— day of ——, 18—.

[Signed,] G. H.

No. 8.

Form of Notice of Annual District Meeting.

Notice is hereby given to the qualified electors of school district No. ——, of the town of ——, that the annual meeting of said district for the election of officers and the transaction of other business, will be held at ——, on the last Monday, being the —— day of September, at 6 o'clock in the afternoon, [*unless some other hour was determined upon by the district at the previous annual meeting.*]

Dated this —— day of ——18—.

[Signed,] C. D.

District Clerk.

No. 9.

Form of Notice of Special District Meeting.

Notice is hereby given to the qualified electors of school district No. ——, in the town of ——, that a special meeting of

said district will be held at ——, on the —— day of ——, 18— at — o'clock in the —— noon, for the following objects: [*Here particularly specify each item of business to be acted upon.*]

Dated this —— day of ——, 18—.

[Signed,] C. D.
District Clerk.

No. 10.

Form of Notice for an Adjourned District Meeting, when such meeting has been adjourned for a longer period than one month.

Notice is hereby given, that a meeting of the qualified electors of school district No. —— in the town of ——, will be held at ——, in said district, on the ——day of ——, 18—, at —— o'clock in the afternoon, pursuant to adjournment.

Dated this —— day of ——, 18—.

[Signed,] C. D.
District Clerk.

NOTE.—The foregoing notices must be posted in four prominent places in the district, one of which shall be the outer door of the school house, whenever there is one in the district.

No. 11.

Form of Certificate to be given by the Town Superintendent in cases where a larger sum than $500 is necessary to build a School House.

I hereby certify that it is my opinion that the sum of —— dollars should be raised in school district No. —— of the town of ——, for the purpose of building [*hiring or purchasing*] a school house for said district.

Dated this —— day of ———, 18—.

[Signed,] A. B.,
Town Superintendent of Schools of the town of ——.

NOTE.—In case of a joint district, the certificate should be made and signed by a majority of the Superintendents of the towns in which such district is situated.

No. 12.

Form of Notice to be given by the Clerk of a District School Meeting, to the Officers elect who were not present at the meeting.

To ——— ———:

You are hereby notified that at a meeting of school district No. — in the town of ——, held on the — day of ———, 18—, you were duly elected ——— of said district.

Dated this — day of ——, 18—.

[Signed,] C. D.,
Clerk of said Meeting.

NOTE.—This notice is required to be given within five days after the meeting and only to those persons elected who were not present at the time.

No. 13.

Form of Refusal to accept District Office, to be filed with the Clerk of the district.

To the Clerk of school district No. — in the town of ——:

You are hereby notified of my refusal to accept the office of ———, to which I was elected at the meeting of said district held on the ——— day of ———, 18—.

Dated this — day of ———, 18—.

[Signed,] G. H.

NOTE.—This notice of refusal must be filed within ten days after the election, or the person will be deemed to have accepted the office, and be liable to fine for non-performance of duty.

No. 14.

Form of Order on Treasurer for Moneys to be disbursed by School District.

To A. B., Treasurer of School District No. —— in the town of ——— :

Please pay to ——— ———, the sum of —— dollars out of any money in your hands, not appropriated, belonging to said district.

Dated this —— day of ——, 18—.

[Signed,] C. D., *District Clerk.*
G. H., *Director.*

No. 15.

Form of Annual Report to be submitted by the District Treasurer to Annual Meeting.

I, A. B., Treasurer of school district No. —— in town of ——, submit the following report to the annual meeting of said district, of all moneys received and disbursed by me since the last annual meeting:

Amount received from my predecessor,	- -	$10 00
" " " Town Superintendent,	-	75 00
" raised by tax in district, and received,	-	300 00
Total received,	- - - -	$385 00

I have paid out,

On order of District Clerk,		Dec. 3d, 18—,	$20 00	
" do	do	Jan. 10th, 18—,	40 00	
" do	do	Feb. 1st, 18—,	10 00	
" do	do	" 27th, 18—,	55 00	
" do	do	May 10th, 18—,	80 00	
" do	do	June 11th, 18—,	170 00	
			———	$375 00
Leaving a balance on hand of		- - -		$10 00

The taxes assessed upon the taxable property of the district during the year have been—

For building a school house,	$250 00
" fuel,	10 00
" black board,	5 00
" outline maps,	15 00
" teacher's wages,	20 00
	$300 00

All of which is respectfully submitted.

Dated this — day of September, 18—.

[Signed,] A. B.,

Treasurer of district No. — of the town of ——.

NOTE.—The report should simply state the facts as required by law, and the above form may be of some aid in arranging the items of the report. The final report of the Treasurer should show *all* the moneys which have come into his hands during the term of his office, with the total disbursements, and should be in the same form as his annual reports.

No. 16.

Form of Bond of District Treasurer to be filed with the District Clerk.

Know all men by these presents, that we, E. F., Treasurer of school district number —— of the town of ——, and L. M., his surety, are held and firmly bound unto said school district in the sum of [*here insert a sum of double the amount to come into the Treasurer's hands as near as can be ascertained*] to be paid to the said school district, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this — day of ——, A. D., 18—.

The condition of the above obligation is such that if the said E. F., Treasurer as aforesaid, shall faithfully discharge the duties of his office as Treasurer of said school district, and shall well and truly pay over to the person or persons entitled thereto, upon the proper order therefor, all sums of money which shall come into his hands as Treasurer of said district, and shall, at the expiration of his term of office pay over to his successor in office all moneys in his hands remaining as Treasurer aforesaid, and shall deliver to his successor all books and papers whatever, appertaining to his said office, then this obligation shall be void, otherwise of full force and virtue.

Signed, sealed and delivered in presence of R. S. G. H. — E. F. [SEAL] L. M. [SEAL]

Form of Approval to be endorsed on the Bond of Treasurer.

We approve of the within bond and surety.

[Signed, G. H.
Director.
C. D.
Clerk.

NOTE.—The same form of bond will answer for the Town Superintendent by making the proper changes, which will readily be noticed.

No. 17.

Form of Contract between District and Teacher.

It is hereby agreed between school district number — of the town of ——, and L. M., a qualified teacher of the town of ———, that the said L. M. is to teach the common school of said district for the term of —— months, (counting 22 days as a month, excepting the usual holidays,) for the sum of ——— dollars per —— [*week or month as the case may be,*] commencing on the —— day of ——, 18—, and for such services, properly rendered, the said district is to pay to the said L. M. the amount that may be due, according to this contract, on or before the —— day of ——, 18—.

Dated this —— day of ——, 18—.

[Signed,] C. D.
District Clerk.
L. M.
Teacher.

NOTE.—The Director or Treasurer, or both, are to indorse this contract as follows:

I [*or we*] consent to the within contract.

G. H., *Director*, or
E. F., *Treasurer*, [*or both.*]

No. 18.

Form of Annual Report of the Clerk of a School District to Town Superintendent.

Annual Report of the Clerk of School District No. ——, of the town of ——, for the year ending August 31st, 18—.

No. of male children residing in district over the age of four, and under the age of twenty years - -	26
No. of female children residing in district over the age of four, and under the age of twenty years, -	24
Total number of children residing in district over the age of four, and under the age of twenty years, - -	50

NOTE.—If a Joint District, be particular to return only the children in one town to one Town Superintendent, and those in the other to the other Town Superintendent.

No. of children over four and under twenty years of age, who have attended school, - - - - - -		45	
No of children under four years of age who have attended school, - - - - - - - - - -		3	
No. of children over twenty years of age who have attended school, - - - - - - - - - -		4	
Total number who have attended school during the year,			52
No. of months a school has been taught by Mr. ——, a qualified teacher, - - - - - - - -		4	
No. of months a school has been taught by Miss ——, a qualified teacher, - - - - - - -		3	
Total number of months a school has been taught by a qualified teacher, - - - - - - - -			7
Wages per month paid Mr. ——, - - - -		$15 50	
Wages per month paid Miss ——, - - - - -		8 50	
Average number of months scholars over the age of four and under the age of twenty years, have attended school during the year, - - - - - - - -			6
Amount of *school money* received from the Town Superintendent within the year, - -	$67 50		
Amount of *library money* received from Town Superintendent within the year, - -	7 50		
Total am't received from Town Superintendent, ———		$75 00	
Amount raised by tax for teachers' wages,	$20 00		
" " " " fuel, - -	10 00		
" " " " black-board and maps,	20 00		
" " " " building school house,	250 00		
" " " " library books, -	00 00		
[*Here state the amount raised for any other purpose allowed by law.*]			
Total amount raised by tax during the year, ———		300 00	
Amount received from other sources, -	00 00		
Total amount in Treasury during the year, - -		375 00	
Amount expended for teachers' wages, -	87 50		
" " " fuel, - - -	10 00		
" " " building school house,	250 00		
" " " black board and maps,	20 00		
" " " library books, - -	7 50		
Total amount of expenditures, - - -	$375 00		
Amount remaining unexpended, - -	00 00		
		$375 00	
Total amount of district debts at date of report,	$8 50		
Amount due to district from unpaid taxes at date of report, - - - - - - -	8 50		

Amount of library fines collected, - - - -		$3 50
Amount of library fines expended in repairing and replacing books, - - - - - -	$3 00	
Amount of library fines unexpended, - -	50	
		$3 50
Whole number of volumes in library, - -	150	
" " purchased during the year,	12	
" " presented during the year, -	6	
" " loaned during the year, *(counting each volume one for each time it is loaned,)*	120	

The text books used in schools are as follows:

Spelling Books—National, McGuffey's

Reading Books—National, McGuffey's

Geography—Monteith & McNally's, Warren's.

Arithmetic—Davies', Ray's.

Grammar—Greene's Elements of English Grammar, Clark's

" McElligott's Young Analyzer.

School house, *(state whether it is a log, brick, stone or framed,)*

Value of school house, - - - - $250 00

Site *(more or less)* than one acre.

Inclosed, or not inclosed.

School has *(one)* black-board.

(One) set of outline maps.

I hereby certify that the above is a correct statement of the facts required to be reported; that a common school has been taught in this district, during the past year, for [*seven*] months, by a qualified teacher, and that the library regulations have been complied with.

[Signed,] C. D.,

Clerk of school district No. ——,

of the town of ——.

Dated at ——, September 1st, 18—.

NOTE.—In a Joint District report the children in each part of the district to each Superintendent, and not the whole number to any one. Report also the amount of school money received from each superintendent to such Superintendent, and add the separate items together. The rest of the report should be the same for each Superintendent.

No. 19.

Form of School Register to be kept by Teacher.

Register of the common school of school district No. ——, of the town of ——, for the term of —— months, commencing on the —— day of ——, 18—, by —— ——, teacher:

For the month of ———.

NAMES.	Age.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	STUDIES AND REMARKS.

NOTE.—The above form embraces all the blanks required by law to be filled. See Section 33. Teachers, however, may vary the form so as to embrace as much more as they see fit. The Register must at the close of the term be signed by the teacher and deposited with the Clerk of the District. In the above form, a horizontal dash, thus ———, would indicate presence (or absence) a whole day, and a cross, thus X, presence (or absence) half a day. The studies pursued by scholars may be entered by proper abbreviation in the right hand column, thus, Ar. arithmetic; Gr. for Grammar; R. for Reading; Wr. for writing; Decl. for Declamation; and Comp. for Composition, &c. Classes can be designated by figures after the abbreviation, thus: Ar. 2, for second class in Arithmetic. If teachers wish to preserve a record of deportment, they can add proper columns.

No. 20.

Form of Statement of the Amount of Taxes voted to be raised in a School District, to be delivered by the District Clerk to the Town Clerk.

To R. S., Town Clerk of the Town of ——:

The amount of taxes voted to be raised in school district No. — of the town of ——, at the last annual meeting of said district, held on the —— day of September, 18—, is [*write the amount in words*] dollars; which amount you are requested to assess upon the taxable property therein.

The following is a list of the names of the persons and corporations liable to a school district tax in said district: *Here insert the names of the persons and corporations.*]

Dated this —— day of ——, 18—.

[Signed,] C. D.,
Clerk of school district No. —— of the town of ——.

NOTE.—If the district has been lately organized and a tax was voted at the first meeting, as well as at the annual meeting, that should be stated, giving, however, the whole amount of tax voted to be raised.

STATE OF WISCONSIN, }
County of ———, } ss.

C. D., being duly sworn, on oath says, that he is the Clerk of school district No. — of the town of ———, and that the above statement by him made of the amount of taxes voted to be raised in said school district, and the list of corporations liable to a school district tax therein, are true.

[Signed,] C. D.

Sworn to and subscribed before me this — day of ——, 18—.

[Signed,] J. P.,
Justice of the Peace.

No. 21.

Form of Statement of the amount of Taxes voted to be raised in a Joint District, to be delivered to the Clerk of each Town in which any part of the District is situated.

To R. S., Town Clerk of the town of ——:

The amount of taxes voted to be raised in joint school district No. —, of the towns of —— and ——, at the last annual meeting of said district, held on the — day of September, 18—, is [*write the amount in words*] dollars; and the proportion of that amount to be raised in that part of said district, which lies in the town of ——, is [*write the amount in words*] dollars, which you are requested to assess upon the taxable property therein.

The following is a list of the names of the persons and corporations liable to a school district tax in that part of the dis-

trict lying within the town of ———, [*here insert the names of the persons and corporations.*]

[Signed,] C. D.,
Clerk of joint school district No. ——,
of the towns of —— *and* ——.

NOTE.—Attach affidavit of the District Clerk similar to the one given in Form No. 20.

No. 22.

Form of Deed for the purchase of a School House site.

Know all men by these presents, that A. B. *(and C. B., his wife, if married,)* of the town of ——, in the county of ——, in the State of Wisconsin, party of the first part, for and in consideration of the sum of —— dollars, to them in hand paid by the District Board of "School district No. ——, of the town of ——," county of ——, and State aforesaid, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, and convey to the said school district, party of the second part, and their assigns, the following described piece or parcel of land, namely:

(Here insert description of land.)

Together with all the privileges and appurtenances thereunto belonging. To have and to hold the same to the said party of the second part, and their assigns, forever; and the said party of the first part, for themselves, their heirs, executors and administrators, do covenant, bargain and agree, to and with the said party of the second part, and their assigns, that at the time of the ensealing and delivery of these presents, they were well seized of the premises above conveyed, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law in fee simple, and that the said lands and premises are free from all incumbrances whatever; and that the above bargained premises, in the quiet and peaceable possession of the said party of the second part, and their assigns, against all and every person or persons lawfully claiming, or to claim, the whole or any part thereof, the said party of the first part will forever warrant and defend.

In witness whereof, the said A. B. and C. B., his wife, party of the first part, have hereunto set their hands and seals, this —— day of ——, A. D. 18—.

A. B. [SEAL.]
C. B. [SEAL].

Signed, sealed and delivered
in presence of E. F. }
G. H. }

NOTE.—Such deed should be duly acknowledged before a Notary Public, Justice of the Peace, or other officer authorized by law to take such acknowledgment, and recorded in the office of Register of Deeds for the county.

No. 23.

Form of a Lease.

Know all men by these presents, that A. B., of the town of ——, in the county of ——, in the State of Wisconsin, of the first part, for the consideration herein mentioned, does hereby lease unto "School district No. —— of the town of ——," county of ——, in the State aforesaid, party of the second part, and their assigns, the following described parcel of land:

[*Here insert description of land.*]

Together with all the privileges and appurtenances thereunto belonging: To have and to hold the same for and during the term of —— years from the —— day of ——, A. D. 18—; and the said party of the second part for themselves and their assigns, do covenant and agree to pay the said party of the first part for said premises the annual rent of —— dollars.

In testimony whereof, the said parties have hereunto set their hands and seals, this —— day of ——, A. D. 18—.

A. B., *Lessor.* [SEAL]

C. D., E. F., G. H., } *District Board of School District No.* —— *of the Town of* ——.

No. 24.

Form of an Appointment to fill a vacancy in the District Board.

To A. B.—:

The office of [*Clerk*] of School District No. ——, of the town of ——, having become vacant, you are hereby appointed to fill such vacancy until the next annual meeting in said district.

Dated this —— day of ——, 18—.

[Signed,] G. H., *Director.*
E. F., *Treasurer.*

NOTE.—It requires two of the Board to make an appointment. If they neglect, for ten days, to fill the vacancy, it must be done by the Town Superintendent, after the following form. In either case the appointment must be filed with the District Clerk:

To A. B.—:

The office of [*Clerk*] of school district No. — of the town of ——, having become vacant, and the District Board of said district having failed to fill the same within ten days, you are hereby appointed to fill such vacancy until the next annual meeting of said district.

[Signed,] A. B.,
Town Superintendent of Schools of the Town of——.

No. 25.

Form of Annual Report of the Town Superintendent of Schools.

No. of Districts.	No. Joint Districts of which the School House is in this Town.	No. of months School has been taught by a qualified teacher.	No. of Children residing in each District, over 4 and under 20 years of age.	No. of Male Children over 4 and under 20 years.	No. of Female Children over 4 and under 20 years.	No. attending School under 4 years.	No. attending school over 20 years.	Average No. months children between 4 and 20 years have attended School.	Average No. of months Schools have been taught by a male teacher.	Average No. of Months Schools have been taught by a female teacher.	Wages per month of male teacher.	Wages per month of female teacher.	Amount State Fund paid each district.	Amount Town Tax paid each district.	Whole amount of Public money received.	Amount expended for Teacher's wages.	Amount expended for Libraries.	Amount expended for other purposes.
District No. 1.....		*						*	*	*	*	*						
" " 2.....																		
" " 3.....																		
&c. &c.																		
Joint District No. 1																		
" " " 2																		
&c &c.																		

Form of Annual Report of the Town Superintendent of Schools—Continued.

No. of Districts.	Amount remaining unexpended.	Amount raised by tax for Teachers' wages.	Amount raised by tax for School Houses and sites.	Amount raised by tax for Libraries.	Amount of tax raised for other purposes.	Valuation of School Houses.	No. of Libraries.	No. of Joint Libraries.	No. of volumes in Library.	No. of volumes purchased this year.	No. of volumes presented this year.	No. of volumes loaned this year.	Amount of Library money received.	Amount of Library money unexpended.	Library Fines collected.	Library Fines expended.	Library Fines unexpended.	Library money unexpended.
District No. 1.....																		
&c. &c.																		
Joint District No. 1																		
&c. &c.																		

Whole No. of Districts.....
No. of Dist's not reported....
No. of parts of Districts,.....
" " not reported...

Total, ...

Text Books most used.—Spellers,..... Readers,..... Arithmetics,.....
Geographies,..... Grammars,.....
School Houses—Sites less than acre,..... Sites unenclosed,..... Without Blackboards,.....
Without Outline Maps,.....
Select and Private Schools.—No. in Town,..... No. of pupils attending same,.....
.....

Town Superintendent of.....

Note.—The total footings of the columns headed "average" must be divided by the whole number of districts. These columns and others to be averaged in the same manner, are marked at the top with an asterisk, (thus*)

No. 26.

Form of a Certificate to be given to a Teacher.

I do hereby certify, that I have thoroughly examined A. B., and do believe that he (*or she*) is qualified in regard to moral character, learning, and ability to teach a common school. This certificate is to remain in force, unless sooner annulled, for one year from date, and is to be of effect in this town only.

Given under my hand this —— day of ——, A. D. 18—.

[Signed,] A. B.,

Town Superintendent of Schools for the Town of ——.

No. 27.

Form of Note annulling a Teacher's Certificate.

Having inquired into certain complaints against A. B., heretofore licensed by certificate as a teacher of common schools in the town of ——, and being of the opinion that the said A. B. does not possess the requisite qualification as a teacher, in respect to moral character, (or "in respect to learning;" or "in respect to ability in teaching," as the case may be,) and having given at least ten days previous notice in writing, to said teacher, and to the District Board of the district in which said teacher is employed, of my intention so to do, I have annulled, and hereby do annul the said certificate and license, so granted as aforesaid.

Given under my hand, this —— day of ——, 18—.

[Signed,] C. D.,

Town Superintendent of Schools for the town of ——.

No. 28.

Form of Notice to be given to District Clerk when alteration of the boundaries of a District is contemplated.

To C. D., Clerk of school district No. — of the town of ——:

You will take notice that I shall be present at (*here mention the place*) on the —— day of ——, 18—, at —— o'clock in the afternoon, to hear and decide upon certain proposed alterations of the boundaries of said school district.

Dated this —— day of ——, 18—.

[Signed,] A. B.,

Town Superintendent of Schools of the town of ——.

NOTE.—In case of a joint district, the Superintendent of the town in which the school house is situated will give the notice required to the Clerk of that district; and each Superintendent will give notice to the Clerk of any district in his town to be affected by the proposed alteration. The Clerk will immediately notify the other members of the Board, by giving them a copy of the notice served on him.

No. 29.

Form of Notice of alteration of the boundaries of a School District, when the District Board refuse to give their consent.

To C. D., Clerk of School District No. — of the town of——:

I have made an alteration in the boundaries of school district No. ——, of the town of ——, as is shown by the following order by me made on the —— day of ———, 18—. [*Here copy the order making the alteration,*] which will take effect three months from the filing of this notice.

[Signed,] A. B.,
Town Superintendent of Schools of the town of ——.

NOTE.—If the District Board indorse their consent upon the order making the alteration, no further notice need be given than to file the order, so indorsed, with the District Clerk.

No. 30.

Form of Order of Town Superintendent in awarding proportion of value of Property to new District.

To the District Board of school district No. — of the town of —:

Having formed a new school district, No. ——, of the town of ———, in part (*or wholly*) from the territory of your district, I have ascertained and determined the proportion of value of the school house and other property justly due to such new district from your district, retaining such school house and other property to be —— dollars. You are, therefore, to raise and collect by tax upon the taxable property of your district the said sum of —— dollars, and when collected pay the same to the Treasurer of said new district.

Given under my hand, this —— day of ——, A. D. 18—.

A. B.
Town Superintendent of Schools of the town of ——.

No. 31.

Form of Order altering the boundaries of a School District.

It is hereby ordered and determined that the, (north half of the north-east quarter of section No. ten, of town seven north, of range six west,) now a part of school district No. ——, of the town of ———, be, and hereby is taken from said school district, and attached to and made a part of school district No. ——, of said town, for all purposes whatsoever.

This order will take effect on the —— day of ———, 18—.

Given under my hand this —— day of ———, 18.—.

A. B.,
Town Superintendent of Schools of the Town of ——.

NOTE.—The Board of each district affected by the alteration, should endorse their consent on the order, as follows :

We hereby consent to the alteration made in school district No. ——, of the town of ———, agreeably to the within order of the Town Superintendent of said town.

Dated this —— day of ———, 18—.

G. H., Director,
E. F., Treasurer,
C. D., Clerk,
} *Of said school district No. —, of the town of* ———.

No. 32.

Form of Bond of Town Superintendent.

Know all men by these presents, that we, A. B., Town Superintendent of schools of the town of ———, in the county of ———, and C. D. and E. F., his sureties, are held and firmly bound unto the Chairman of Supervisors of said town, in the sum of [*here insert double the amount of all school money to come into his hands during the term of his office,*] to the payment of which sum well and truly to be made to the said Chairman of Supervisors, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this —— day of ———, A. D. 18—.

The condition of this obligation is such, that if the said A. B., Town Superintendent of said town of ———, shall faithfully apply and legally disburse all school money that may come into his hands, according to law, as Town Superintendent of said town of ———, during the term of his office, and shall faithfully discharge all the duties of his office, then this obligation shall be void, otherwise shall remain in full force and virtue.

A. B., [L. S.]
C. D., [L. S.]
E. F., [L. S.]

Signed, sealed and delivered in presence of ————.

NOTE.—This bond should be endorsed as follows:

I approve of the within bond and sureties.

[Signed,] G. H.,
Chairman of Supervisors of the Town of ———

No. 33.

Annual Report of the Clerk of the Board of Supervisors of ——— County to the State Superintendent, dated October 10th, 18—.

NAMES OF TOWNS.	No. of school districts.	No. of school districts which have not reported.	No. of parts of districts.	No. of parts of districts which have not reported.	No. of school houses in joint districts.	Average No of months schools have been taught.	No. of male children residing in town over four and under twenty years of age.	No. of female children residing in town over four and under twenty years of age.	Total No. of children residing in town over four and under twenty years of age.	No. of children over four and under twenty years of age who have attended school.	No. of children under four years of age who have attended school.	No. of children over twenty years of age who have attended school.	Average No. of months children between four and twenty years of age have attended school.	Average No. of months schools have been taught by a male teacher.	Average No. of months schools have been taught by a female teacher.	Average amount of wages per month paid to male teachers.	Average amount of wages per month paid to female teachers.
A.....																	
B.....																	
C.....																	
D.....																	
E.....																	
F.....																	
G.....																	
H.....																	
.....																	
.....																	

Report continued.—County of _____.

NAMES OF TOWNS.	
A.....	Amount of money received from County Treasurer.
B.....	Amount of money received from Town Treasurer.
C.....	Amount received from other sources.
D.....	Total amount of money received.
E.....	Amount of public money paid for teachers' wages.
F.....	Amount of public money expended for libraries.
G.....	Amount of public money expended for other purposes.
H.....	Amount remaining unexpended.
I.....	Amount raised by tax and expended for teachers' wages.
J.....	Amount of money raised by tax and expended for district libraries.
	Amount of money raised by tax and expended on school houses.
	Amount of money raised by tax and expended on fuel and other purposes.
	Names of authors of spelling books most used in schools.
	Names of authors of reading books most used in schools.
	Names of authors of geographies most used in schools.
	Names of authors of arithmetics most used in schools.
	Names of authors of grammars most used in schools.

Report continued.—County of _____.

NAMES OF TOWNS.	
A.....	No. of brick school houses.
B.....	No. of stone school houses.
C.....	No. of framed school houses.
D.....	No. of log school houses.
E.....	Total valuation of school houses.
F.....	Highest valuation of any school house.
G.....	Lowest valuation of any school house.
H.....	No. of school house sites containing less than one acre.
I.....	No. of school house sites unenclosed.
J.....	No. of schools without a black-board.
	No. of schools without outline maps.
	No. of district libraries.
	No. of joint libraries.
	No. of volumes in all the libraries.
	No. of volumes loaned during the year.
	Amount of library fines collected.
	Amount of library fines expended.
	Amount of library fines unexpended.
	No of select and private schools other than incorporated academies.
	Average No. of pupils attending such schools during the year.
	No. of incorporated academies in the county.
	Average No. of pupils attending such academies during the year.

No. 34.

Form of Certificate of District Clerk, attached to assessment roll of taxes assessed at a special meeting.

I do certify that I have set down in the above assessment roll all the real estate situate in District No. —— of the town of ———, county of ———, and State of Wisconsin, liable to be taxed, according to my best information, and that with the exception of those cases in which the valuation has been otherwise fixed pursuant to law, I have estimated the same at what I believe to be the true cash value thereof; that the said assessment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, as nearly as I could ascertain the same.

Given under my hand this —— day of ———, 18—.

A. B.,
Clerk of District No. ——, Town of ———.

No. 35.

Form of Warrant annexed to assessment roll by District Clerk, for the collection of taxes levied at a special district meeting.

The State of Wisconsin to the Treasurer of District No. ——, of the town of ———, county of ———:

You are hereby commanded to collect from each of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation, upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and the moneys so collected you are to retain as Treasurer of the aforesaid district, subject to the order of the District Board; and you are further required to make return to said District Board of this warrant with said roll annexed, within forty days from the date hereof, together with your doings thereon, as provided by law.

Given under my hand this —— day of ——, in the year 18—.

A. B.,
Clerk of aforesaid District.

NOTE.—The Clerk can renew this warrant for thirty days by endorsing it, "Renewed for 30 days." Dated ———, 18—.

A. B., *District Clerk.*

No. 36.

Form of Bond given by the District Board to secure the payment of money borrowed on the authority of sections 100 and 101, of title VII, chapter 23, Revised Statutes of 1858.

Bond.

Know all men by these presents, that District No. —— of the town of ———, is held and firmly bound unto ——— in the penal sum of —— dollars, good and lawful money of the United States of America, to be paid to the said ———, certain attorney, heirs, executors, administrators or assigns, for which payment well and truly to be made we bind the said District No. —— of the town of ———, ourselves and our successors in office, jointly and severally, firmly by these presents. Sealed with our seals, and dated this —— day of ———, A. D. 18—.

The condition of the above obligation is such, that if the above bounden obligors, or their successors in office, shall well and truly pay, or cause to be paid, unto the above named obligee —— heirs, executors, administrators or assigns, the just and full sum of ——— and in case default shall be made in any of the payments, either of principal or interest, or of any part thereof, at the time or times above limited for the payment thereof, shall pay the whole sum of principal, with the interest which shall then have accrued, upon the demand of the said obligee —— heirs, executors, administrators or assigns notwithstanding the time for the payment of principal shall not then have elapsed, (it being hereby expressly declared to be a condition of the above obligation that upon any default whatever in the payment of any of the instalments of principal or interest, at the time or times above limited for the payment thereof, the whole principal sum, and the interest which shall then have accrued, shall at once become and be deemed due and payable, at the option of the above named obligee, —— heirs, executors, administrators or assigns) and shall also pay all costs and expenses which the said obligee —— heirs, executors, administrators or assigns shall pay, be put to or sustain for attorney's, solicitor's or counsel fees, or otherwise, in addition to any costs or fees which now are, or hereafter may be allowed by law for the collecting the said sum of money, or any part thereof, or of the interest thereon, or any part thereof [or for foreclosing a certain mortgage bearing even date herewith, and given to secure the payment of the said sum of money above specified, with the interest thereon, without fraud or delay,] then this obligation to be void and of no effect, otherwise to be and remain in full force and virtue.

Sealed and delivered in presence of ——— ———	(Signed,) A. B., *Director*, [SEAL.]
——— ———	C. D., *Treasurer*, [SEAL.]
	E. F., *Clerk*, [SEAL.]

District Board of District No. —, of the town of ——.

NOTE.—If no mortgage accompanies the bond, omit the words "or for foreclosing," &c., which are enclosed in brackets.

No. 37.

Form of Mortgage given by the District Board to secure the payment of money borrowed in accordance with sections 100 and 101, of title VII, chapter 23, Revised Statutes, 1858.

MORTGAGE.

This indenture made the —— day of ———, in the year of our Lord one thousand eight hundred and ———, between District No. —— of the town of ———, of the first part, and —— of the second part witnesseth that the said parties of the first part, for and in consideration of —— dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted and conveyed, and by these presents does grant and convey unto the said party of the second part, —— heirs and assigns forever, the following described piece or parcel of land, situate in the county of ——, and State of ———, described as follows, to wit: [*Here insert description*,] to have and to hold the same, together with all and singular the appurtenances and privileges thereunto belonging, and all the estate, right, title, interest and claim whatsoever, of the said party of the first part, either in law or equity, in and to the above described premises, to the only proper use, benefit and behoof of the said party of the second part, —— heirs, and assigns forever.

And the said party of the first part, doth covenant and agree to and with the said party of the second part, —— heirs and assigns, that he is well seized in fee of the aforesaid premises, has good right to sell and convey the same, that the same are free of all incumbrances whatsoever, and that the aforesaid premises, in the quiet and peaceable possession of the said party of the second part, —— heirs and assigns, against all and every person lawfully claiming or to claim the whole or any part thereof, will forever warrant and defend. Provided always, and these presents are upon the express condition, that if the said parties of the first part, shall well and truly pay, or cause to be paid, to the said party of the second part, —— heirs, executors, administrators or assigns, the sum of ——— dollars, according to the condition of —— certain ———, bearing date on the —— day of ———, in the year of our Lord one thousand eight hundred and ———, executed by the District Board of District No. ——, town of ———, to ———, as collateral security, then these presents and the said —— shall cease and be null and void.

And the said District No. ——, Town of ———, doth fur-

ther agree that they will pay all taxes and assessments of every nature that may be assessed on said premises previous to the day appointed in pursuance of any law of this State for the sale of lands for Town, County, or State Taxes; and also the sum of ——— dollars, as solicitor's fees, in case of the commencement of an action to foreclose this mortgage.

In testimony whereof, the said parties of the first part have hereunto set their hand and seal by their legal and accredited officers, the day and year first above written.

Sealed and delivered in presence of }
——— ———
——— ———

———————, Director, [SEAL.
———————, Treasurer, [SEAL.
———————, Clerk, [SEAL.

District Board of District No. — of the town of ——.

STATE OF WISCONSIN, }
COUNTY OF ———. } ss.

Be it remembered, that on the —— day of ——, A. D. 18— before the undersigned, a ——— in and for said county, personally came the above named District Board of said District No. ——, Town of ———, to me known and acknowledge that they had executed this mortgage deed for the uses and purposes therein mentioned.

———————.

No. 38.

Form of Notice of determination to form a Union District for High School purposes, to be served upon the Town Superintendent by the District Clerks.

To A. B., Town Superintendent of the town of ——:

The following minutes contain the action of District No. —— of the town of ——, in reference to the formation of a Union High School District, as provided in section 12 of chapter 138, of General Laws of 1858: [*Here insert the minutes in full, giving the names of those who voted for and against the proposition.*]

Dated this —— day of ——, 18—.

[Signed,] C. D.,
Clerk of district No.——, *of the town of* ——.

NOTE.—The above notice must be served by the Clerk of each District proposing to unite in the Union High School District.

No. 39.

Form of Notice to be given by the Town Superintendent to the Town Clerk, of the formation of a Union High School District:

To the Town Clerk of the town of ——:

I have this day formed a Union High School District, in

accordance with the expressed desire of the districts and parts of districts composing the same, which determination has been properly certified to me as required in section 12 of chapter 138, of General Laws of 1858, to be called Union High School District No. ——, of ——, of which the following is a description:

[*Here follow form No.* 1.]

Such formation to take effect immediately.

Dated this —— day of ——, 18—.

[Signed,] A. B.,

Town Superintendent of Schools, of the town of ——.

No. 40.

Form of Application by Town Superintendents, for Webster's Unabridged Dictionary.

STATE OF WISCONSIN, } ss.
—————— County, }

[*Here insert name of Town Superintendent*] being duly sworn, deposeth and saith, that the following Districts in the Town of ———, County of ———, and State aforesaid, have never been supplied with Webster's Unabridged Dictionary, by the State, as provided for by law.

Districts unsupplied, Nos. ———

And the following Districts, in the Town and County aforesaid, have been supplied: Districts Nos. ———

A. B.,
Town Superintendent.

Sworn and subscribed before me, }
this —— day of ———, 18—. }

NOTE.—Town Superintendents applying for Joint Districts must be particular to state that the School House is situated in their town. Also designate the manner of sending the books in all cases.

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